

**TOWN OF FALMOUTH**  
**BOARD OF SELECTMEN**

**Revised AGENDA**

**MONDAY, NOVEMBER 19, 2018 – 6:15 P.M.**  
**SELECTMEN'S MEETING ROOM**  
**TOWN HALL**

**6:15 p.m. OPEN SESSION**

**6:15 p.m. EXECUTIVE SESSION**

1. M.G.L. c.30A s.21(a)(3) – Status/Update on Insurance Claims from MIIA Legal Representative

**7:00 p.m. OPEN SESSION**

1. Call to Order
2. Pledge of Allegiance
3. Proclamation – Proclamation of Gratitude to Kathleen H. Murray
4. Recognition
5. Announcements
6. Public Comment

**7:15 p.m. SUMMARY OF ACTIONS**

1. Licenses
  - a. Application for Two Special One-Day All Alcohol Liquor Licenses – Falmouth Theatre Guild – Highfield Theater, 58 Highfield Drive – Friday, 12/7/18 and Saturday, 12/8/18
2. Administrative Orders
  - a. Vote to Approve Eversource to Locate One Pole #460/25 and Remove One Pole 460/25 on Dillingham Avenue, East of Morse Pond Road due to construction of Rear Entrance on Dillingham Avenue
  - b. Massachusetts Environmental Trust Grant Interpretive and Directional Signage for Coonamessett Greenway
  - c. Vote to Approve Letter to the Governor in Support of Open Cape's Request to Release \$200,000 in the Approved Economic Development Bill for the Installation of High Speed Internet Service to Main Street Merchants
3. Special Events

**New - Recommended:**

  - a. Approve Application for Beach Wedding Ceremony – Old Silver Beach – Saturday, 6/8/19 - Couture

**PUBLIC HEARINGS**

**7:30 p.m.**

1. Tax Classification Hearing

**7:45 p.m.**

2. Application for Shade Tree Hearing – Town of Falmouth, Tree Warden – One Red Oak Tree and One Linden Tree Located at 77 Scranton Avenue

**7:55 p.m. BUSINESS**

1. Discussion and Action on Proposed Host Community Agreement – Medical Marijuana
2. Vote No Opposition or Support – Medical Marijuana
3. Interview, Vote and Appoint Committee Members
  - a. Cape and Vineyard Electric Coop (CVEC) – Rosemary Carey
  - b. Commission on Disabilities – Judy McGrath
  - c. Council on Aging – Carol Kenney
4. Board of Selectmen Acting as Trustees of Falmouth Affordable Housing Fund:

- a. Megansett Crossing Presentation – Application for \$650,000 for 10-Unit Rental Housing at 676, 688 and 702 North Falmouth Highway
  - b. Board of Selectmen to Discuss and Consider Approval
5. Consideration of Motion “To proceed with design on the Main Street Corridor project from Palmer Avenue to Sandwich Road and investigate potential alternative options along Route 28 from Sandwich Road to Oxbow Road”
  6. Vote Route 28 Citizen Committee(s)
  7. Approve 2018 Annual License Renewals

ALL ALCOHOL RESTAURANT

41-70, 71 Water St  
 Bear in Boots, 285 Main St  
 British Beer Company, 263 Grand Ave  
 Bucatino Restaurant, 7 Nathan Ellis Hwy  
 C Salt, 75 Davis Straits  
 Casa Vallarta, 70 Davis Straits  
 Celestino's Restaurant, 448 N Falmouth Hwy  
 DJ's Famous Wings, 872 Main St  
 Falmouth Country Club, 630 Carriage Shop Rd  
 Josh's at Davisville, 339 E Falmouth Hwy  
 Liam Maguire's, 273 Main St  
 New Peking Palace, 452 Main St  
 Osteria la Civetta, 133 Main St  
 Paul's Pizza, 37 Elain Ave.  
 Pickle Jar Kitchen, 170 Main St  
 Quarterdeck Restaurant, 164 Main St  
 Quick's Hole Tavern, 29 Railroad Ave  
 Simply Divine Pizza, 271 Main St.  
 TGC at Sacconneset, 132 Falmouth Woods Rd  
 The Flying Bridge, 220 Scranton Ave  
 The Golden Swan, 323 Main St  
 Water Street Kitchen, 656 Water St

AA CLUB

Falmouth Yacht Club, 290 Clinton Ave  
 Cape Cod Curling Club, 37 Highfield Rd  
 Falmouth Lodge #2380, 140 Palmer Ave  
 Falmouth Rod & Gun, 203 Carriage House Rd  
 Midway Trap & Skeet, 284 Old Meetinghouse Rd  
 Woods Hole Golf Club, 130 Quissett Ave

AA INHOLDER

Sea Crest Beach Hotel, 350 Quaker Rd  
 Coonamesett Inn, 311 Gifford St

INNHOLDER W, M & CORDIALS

Palmer House Inn, 81 Palmer Ave

AA PACKAGE STORE

Falmouth Food Mart & Liq., 414 Main St  
 Falmouth Wine & Spirits, 322 Palmer Ave  
 John's Liquors, 729 Main St.  
 Kappy's, 21 Spring Bars Rd  
 North Falmouth Liquors, 362 N Falmouth Hwy  
 RJ's Variety & Liquor, 174 Sandwich Rd  
 Teaticket Market, 125 Teaticket Hwy

WINE & MALT CLUB

St. Anthony's, 28 Brick Kiln Rd

WM RESTAURANT

Bangkok Thai Cuisine, 291 Main St  
 Crabapples, 553 Palmer Ave

Crêpe Cod, 649 Main St  
 Homeport Sushi, 316 Gifford St  
 Martha's Eats, 281 Main St  
 New Golden Dynasty, 25 Davis Straits  
 Pizza 1 & Subs 2, 735 E Falmouth Hwy  
 Seafood Sam's, 913 W Falmouth Hwy  
 Steve's Pizzeria & More, 374 Main St

WINE, MALT, CORDIAL RESTAURANT

Country Fare, 319 Main St

WM PACKAGE

Holly Park Variety, 580A N Falmouth Hwy.  
 Intergas, 607 Main St  
 Jack & the Beanstalk, 800 Gifford St. Ext.  
 Wild Harbor General Store, 200 Old Main Rd

BREWERY

Aquatic Brewing, 661 Main St.  
 Bad Martha's, 876 E Falmouth Hwy

WINERY

Cape Cod Winery, 4 Oxbow Rd

COMMON VICUALLER

41-70, 71 Water St  
 Bangkok Thai Cuisine, 291 Main St  
 Bear in Boots, 285 Main St  
 British Beer Company, 263 Grand Ave  
 Bucatino Restaurant, 7 Nathan Ellis Hwy  
 C Salt, 75 Davis Straits  
 Casa Vallarta, 70 Davis Straits  
 Celestino's Restaurant, 448 N Falmouth Hwy  
 Coonamesett Farm, 277 Hatchville Rd  
 Country Fare, 319 Main St  
 Crabapples, 553 Palmer Ave  
 Crêpe Cod, 649 Main St  
 DJ's Famous Wings, 872 Main St  
 Eat Your Heart Out Café & Gourmet Market, 587 Main St  
 Falmouth Country Club, 630 Carriage Shop Rd  
 Falmouth Lodge #2380, 140 Palmer Ave  
 Falmouth Persy's Place, LLC, 40 N Main St  
 Falmouth Yacht Club, 290 Clinton Ave  
 Homeport Sushi, 316 Gifford St  
 Josh's at Davisville, 339 E Falmouth Hwy  
 Liam Maguire's, 273 Main St  
 Mary Ellen's Portuguese Bakery, 829 Main St  
 Martha's Eats, 281 Main St  
 Moonakis Café, 460 Waquoit Hwy  
 New Generation Donuts, LLC, 363 E Falmouth Hwy  
 New Generation Donuts, LLC, 4 Sandwich Rd  
 New Generation Donuts, LLC, 614 Main St  
 New Generation Donuts, LLC, 634 Holly Park Rd  
 New Golden Dynasty, 25 Davis Straits

New Peking Palace, 452 Main St  
Osteria la Civetta, 133 Main St  
Paul's Pizza, 37 Elain Ave.  
Pickle Jar Kitchen, 170 Main St  
Pie in the Sky, 10 Water St  
Pizza 1 & Subs 2, 735 E Falmouth Hwy  
Quarterdeck Restaurant, 164 Main St  
Quick's Hole Tavern, 29 Railroad Ave  
Seafood Sam's, 913 W Falmouth Hwy  
Simply Divine Pizza, 271 Main St.  
Steve's Pizzeria & More, 374 Main St  
TGC at Sacconneset, 132 Falmouth Woods Rd  
Thai Kitchen, 258 Teaticket Hwy  
The Flying Bridge, 11 Green Fin Cir  
The Golden Swan, 323 Main St  
Water Street Kitchen, 656 Water St  
Woods Hole Golf Club, 130 Quissett Ave

INNHOLDER-VICTUALLER

Coonamesett Inn, 311 Gifford St  
Palmer House Inn, 81 Palmer Ave  
Sea Crest Beach Hotel, 350 Quaker Rd

ENTERTAINMENT

41-70, 71 Water St  
British Beer Company, 263 Grand Ave  
Bucatino Restaurant, 7 Nathan Ellis Hwy  
Cape Cod Winery, 4 Oxbow Rd  
Casa Vallarta, 70 Davis Straits  
Coonamesett Farm, 277 Hatchville Rd  
Coonamesett Inn, 311 Gifford St  
Falmouth Yacht Club, 290 Clinton Ave  
Josh's at Davisville, 339 E Falmouth Hwy  
Liam Maguire's, 273 Main St  
Martha's Eats, 281 Main St  
New Peking Palace, 452 Main St  
Pie in the Sky, 10 Water St  
Quarterdeck Restaurant, 164 Main St  
Quick's Hole Tavern, 29 Railroad Ave

Sea Crest Beach Hotel, 350 Quaker Rd  
Simply Divine Pizza, 271 Main St.  
St. Anthony's, 28 Brick Kiln Rd  
TGC at Sacconneset, 132 Falmouth Woods Rd  
The Flying Bridge, 220 Scranton Ave  
Woods Hole Golf Club, 130 Quissett Ave

SUNDAY ENTERTAINMENT

41-70, 71 Water St  
British Beer Company, 263 Grand Ave  
Bucatino Restaurant, 7 Nathan Ellis Hwy  
Coonamesett Inn, 311 Gifford St  
Falmouth Yacht Club, 290 Clinton Ave  
Liam Maguire's, 273 Main St  
Quick's Hole Tavern, 29 Railroad Ave  
The Flying Bridge, 220 Scranton Ave

AMUSEMENTS

DJ's Famous Wings, 872 Main St  
Falmouth Lodge #2380, 140 Palmer Ave  
Pizza 1 & Subs 2, 735 E Falmouth Hwy  
Sea Crest Beach Hotel, 350 Quaker Rd

INNHOLDER

Admiralty Inn, 51 Teaticket Hwy

MOTOR VEHICLE CLASS I - III

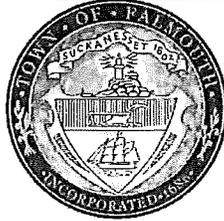
Braga's Auto Sales, 33 Andrews St.  
Falmouth Pier 37, 64 Scranton Ave  
Hattem Enterprises, 40 Davis Straits  
Hattem Enterprises, 94 E Falmouth Hwy.  
O'Hara Motors, 50 Spring Bars Rd  
Sandi's Auto Sales, 45 Simpson Ln.  
Teaticket Auto Body, 108 Trotting Park Rd

VEHICLE FOR HIRE

K.B. Transportation, 703 Main St.  
Webber Livery Service, 35 Old Meeting House Rd

8. Minutes of Meetings:  
Public Session – November 5, 2018
9. Individual Selectmen's Reports
10. Review of Town Manager's Report
11. Review and/or Discuss Correspondence Received

Susan L. Moran, Chairman  
Board of Selectmen



## PROCLAMATION OF GRATITUDE TO KATHLEEN H. MURRAY

WHEREAS, Kathy Murray's contributions to our town began almost as soon as she moved to Falmouth; and

WHEREAS, In the course of those 35 years Kathy has distinguished herself as both an elected official (Town Meeting member for Precincts One and Two for 6 years and member of the Board of Library Trustees for the past 15 years) and as an active member of the following organizations:

- \* League of Women Voters of Falmouth Board member, and observer of the Board of Selectmen for the League's Observer Corps for more than 10 years;
- \* Coordinator of library volunteers for VIPS for over a decade;
- \* Substitute School Librarian at every Falmouth public school at every level;
- \* Treasurer of Spohr Gardens for more than a decade;
- \* Historian for the Woods Hole Women's Club for several years;
- \* Treasurer for St. Barnabas Church for multiple years;
- \* Board member for the Friends of the Falmouth Public Library as well as an active participant in staging and working at the Friends' widely-acclaimed Annual Book Sale;
- \* Treasurer of the Children's School of Science in Woods Hole for multiple years; and

WHEREAS, Kathy's keen intelligence, inquisitiveness, dedication and hard work have greatly enriched not only each of these organizations and the Town itself; and

WHEREAS, Kathy has said: "You don't have to get involved in the Town to appreciate what it has to offer, but the more you get involved the more you love Falmouth".

THEREFORE, With this Proclamation of Gratitude we return in part the love that your Townspeople feel for you.

IN WITNESS WHEREOF, We, Susan L. Moran, Megan English Braga, Doug Jones, Samuel H. Patterson and Douglas C. Brown have hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed on this 19<sup>th</sup> day of November, 2018.

\_\_\_\_\_  
Susan L. Moran, Chairman

\_\_\_\_\_  
Samuel H. Patterson

\_\_\_\_\_  
Megan English Braga

\_\_\_\_\_  
Douglas C. Brown

\_\_\_\_\_  
Doug Jones

\_\_\_\_\_  
FALMOUTH BOARD OF SELECTMEN

2018

# License Alcoholic Beverages

18-14-AA

Fee:

50

The Licensing Board of  
The Town of Falmouth  
Massachusetts  
Hereby Grants a

## Special License For The Sale Of All Alcoholic Beverages

License to Expose, Keep for Sale, and to Sell  
**All Kinds of Alcoholic Beverages**

To Be Drunk On the Premises

To Falmouth Theatre Guild  
Brian J. Buczkowski, Director-at-Large

Highfield Theater  
58 Highfield Drive, Falmouth, MA 02540

On the following described premises:

Highfield Theater, 58 Highfield Drive, Falmouth

THE ABOVE NAMED NON-PROFIT ORGANIZATION IS HEREBY GRANTED A SPECIAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES, TO BE DRUNK ON THE PREMISES UNDER CHAPTER 138, SECTION 14, OF THE LIQUOR CONTROL ACT.

This license is valid from the 7th day of December 2018 until the 8th day of December 2018, unless earlier suspended, cancelled or revoked.

The hours during which Alcoholic Beverages may be sold are from:

Days: Friday, December 7, 2018 and Saturday, December 8, 2018. Hours: 6:00 p.m. - 10:30 p.m.

Conditions: 1. Certificate of liquor liability insurance required, 2. Servers must be TIPS certified, 3. Apply for temporary food permit with Health Department, 4. Rope or fence off area where alcohol will be sold and consumed.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 19th day of November 2018

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Licensing Board

THIS LICENSE SHALL BE DISPLAYED ON THE PREMISES IN A CONSPICUOUS POSITION WHERE IT CAN EASILY BE READ

## Phyllis Downey

---

**From:** Phyllis Downey <phyllis.downey@falmouthmass.us>  
**Sent:** Wednesday, November 7, 2018 2:03 PM  
**To:** Brian Reid (breid@falmouthpolice.us); Sean Doyle (sdoyle@falmouthpolice.us)  
**Subject:** ONE DAY LICENSE FALMOUTH THEATER GUILD  
**Attachments:** 20181107134820828.pdf

Good afternoon Officers,

Attached please find a request for two Special One Day Liquor Licenses for the Falmouth Theater Guild for Friday and Saturday, December 7 and 8, 2018 at 6:00 to 10:30 PM.

We respectfully request your recommendations by Thursday, November 15th.

Thank you very much.

Best,  
Phyllis

Phyllis Downey  
Office of the Town Manager & Board of Selectmen  
508-495-7320



# TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

## **PUBLIC HEARING NOTICE**

You are hereby notified that a hearing will be held at Falmouth Town Hall in the Small Conference Room at 2:00 p.m. on Thursday, November 8, 2018 upon the petition of NSTAR Electric Company d/b/a Eversource Energy to relocate poles, wires, cables and fixtures; removing one pole (pole #460/25) and installing one pole (pole #460/25) at Dillingham Avenue, East of Morse Pond Road, Falmouth.

Per Order of the Falmouth Board of Selectmen

*Publication Date: Friday, October 26, 2018, Falmouth Enterprise*



# Town of Falmouth

Department of Public Works - Engineering Division

416 Gifford Street, Falmouth, MA 02540  
Office: 508-457-2543, Fax: 508-548-1537

Nicholas Croft, Engineering Technician

ncroft@falmouthmass.us

Date: November 16, 2018

To: Board of Selectmen

From: Nicholas Croft, Hearing Officer

**Subject: Eversource – Petition to remove and install new Utility Pole on Dillingham Avenue**

A petition was submitted by Eversource to remove pole #460/25 and install a new pole 25' west of the existing location on Dillingham Ave due to construction at the rear entrance of 744 Main Street.

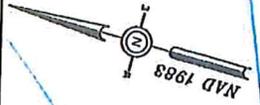
The Engineering recommendation is to approve the request as submitted on Plan No. 2291189, W/O #2291189, dated October 23, 2018.

*Eversource Reminder: All Street Openings require a permit obtained from the Engineering Office.*

Thank you,

Nicholas Croft  
Engineering Technician  
DPW Engineering Division

Plan to accompany petition of EVERSOURCE ENERGY to relocate P#460/25 25'± west of present location due to construction of rear entrance on DILLINGHAM AVENUE.



# LEGEND

- ⊕ Proposed Hand Hole
- ⊗ Existing Hand Hole
- Proposed Pole
- Existing Pole
- ▣ Proposed Multitap
- ▣ Proposed Manhole

MORSE POND

P/L

EDGE OF PAVEMENT

# DILLINGHAM AVE

534'± TO MORSE-POND RD

PROPOSED 460/25 (ES)

25'±

460/25 (ES)

EDGE OF PAVEMENT

EDGE OF PAVEMENT

GRASS

GRASS

ASPHALT SIDE WALK

ASPHALT SIDE WALK

39-21-001-000  
#744 MAIN STREET  
N/F  
TOWN OF FALMOUTH

39-21-002-003  
#824 MAIN STREET  
N/F  
YOGESHWAR HOSPITALITY LLC.

P/L

P/L



SCALE IN FEET

BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP YOU AGREE THAT THE ACCURACY OF ANY POINT, DEPRESS OR LINED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NOR ITS COMPANY, NOR ITS PARTNERS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED BY THE USE OF THIS INFORMATION OR IN RELIANCE UPON IT. TO THE MAXIMUM EXTENT ALLOWED BY THE LAW, THE NSTAR ENTITIES SHALL BE RELEASED FROM ANY SUCH LOSS OR INJURY. THE INFORMATION DOES NOT REPRESENT A WARRANTY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED, OR FOR ANY UNANTICIPATED ADJUSTMENTS TO ADAPT THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS ANTICIPATED PURPOSES ARE PROHIBITED.

## MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

Plan # 2291189

Ward # -

Work Order # 2291189

Surveyed by: N/A

Research by: PG

Plotted by: GC

Proposed Structures: LM/SC

Approved: A DEBENEDICTIS

P#

**NSTAR EVERSOURCE**  
DIG-6  
1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of DILLINGHAM AVENUE

FALMOUTH

Showing PROPOSED POLE RELOCATION

Scale 1"=20'  
Date OCTOBER 23, 2018  
SHEET 1 of 1

**PETITION FOR POLE RELOCATIONS**

New Bedford, Massachusetts

**OCTOBER 23, 2018**

To the Board of Selectmen of **Falmouth**, Massachusetts

NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy)

request permission to relocate poles, wires, cables and fixture, including the necessary sustaining and protecting fixtures, along and across the following public way or ways:-

**DILLINGHAM AVENUE, East of Morse Pond Road**

**One (1) FO Pole #460/25  
One (1) FO Pole #460/25  
to be removed**

Wherefore they ask that they be granted a joint relocation for and permission to erect and maintain poles, wires, and cables, together with such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked Plan No. **2291189** dated, **OCTOBER 23, 2018**

Also for permission to lay and maintain underground cables, conduits, wires, and necessary equipment in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

Your petitioners agree to reserve space for one crossarms at a suitable point on each of said poles for the fire, police, telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy)

By.....  
(Right-of-Way Representative)

## ORDER FOR POLE RELOCATION

In Board of Selectmen of the Town of **Falmouth**, Massachusetts.

ORDERED: That the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy)

be and they are hereby granted a joint relocation for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the **23** day of **OCTOBER, 2018**.

All construction under this order shall be in accordance with the following conditions:--

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked-Plan No. **2291189**, Dated **OCTOBER 23, 2018** filed with said petition. There may be attached to said poles by said NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) necessary wires, cables, and fixtures

and all of said wires and cables shall be placed at a height of not less than **18** feet from the ground at highway crossings, and not less than **16** feet elsewhere.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:-

**DILLINGHAM AVENUE, East of Morse Pond Road**

**One (1) FO Pole #460/25  
One (1) FO Pole #460/25  
to be removed**

Also that permission be and hereby is granted to each of said Companies to lay and maintain underground cables, conduits, wires, and necessary equipment in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of **Falmouth**, Massachusetts, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Clerk of Selectmen

### CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint relocation order adopted by the Board of Selectmen of the Town of **Falmouth**, Massachusetts on the \_\_\_\_\_ day of \_\_\_\_\_ 2018, and recorded with the records of location orders of said Town, Book \_\_\_\_\_ Page \_\_\_\_\_.

This certified is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

\_\_\_\_\_  
Town Clerk

## ORDER FOR POLE RELOCATION

In Board of Selectmen of the Town of **Falmouth**, Massachusetts.

ORDERED: That the NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy)

be and they are hereby granted a joint relocation for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the **23** day of **OCTOBER, 2018**.

All construction under this order shall be in accordance with the following conditions:--

Poles shall be of sound timber, and reasonably straight, and shall be set substantially at the points indicated upon the plan marked-Plan No. **2291189**, Dated **OCTOBER 23, 2018** filed with said petition. There may be attached to said poles by said NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) necessary wires, cables, and fixtures

and all of said wires and cables shall be placed at a height of not less than **18** feet from the ground at highway crossings, and not less than **16** feet elsewhere.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:-

**DILLINGHAM AVENUE, East of Morse Pond Road**

**One (1) FO Pole #460/25  
One (1) FO Pole #460/25  
to be removed**

Also that permission be and hereby is granted to each of said Companies to lay and maintain underground cables, conduits, wires, and necessary equipment in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of **Falmouth**, Massachusetts, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Clerk of Selectmen

### CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint relocation order adopted by the Board of Selectmen of the Town of **Falmouth**, Massachusetts on the \_\_\_\_\_ day of \_\_\_\_\_ 2018, and recorded with the records of location orders of said Town, Book \_\_\_\_\_ Page \_\_\_\_\_.

This certified is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

\_\_\_\_\_  
Town Clerk

This form should be used by the Town Clerk to make a certified copy of the Original and mail same to:

Eversource Energy  
50 Duchaine Blvd.  
New Bedford, MA 02745  
Attn: Donna Rosa

**Diane Davidson**

---

**From:** Betsy Gladfelter <egladfelter@who.edu>  
**Sent:** Tuesday, November 14, 2017 10:12 AM  
**To:** Susan Moran, Selectman; Suso Julian; Peter Johnson Staub  
**Cc:** Jennifer McKay; Diane Davidson  
**Subject:** MA Environ Trust grant proposal

Dear Su, Julian and Peter

This is just a reminder that we would like to request a letter of support from the BoS on Nov 20th for a MET grant (Interpretive signs for the Coonamessett Greenway Heritage Trail) to fund the production of the interpretive signs, which are being developed by our partners and other volunteers. We will be requesting \$40,000 and match will include other funds for the trail, interpretive signs and land purchase from the T3C plus in kind services from volunteers. We will send a draft proposal to Diane Davidson on Friday for distribution to the selectmen.

Thanks, Betsy

**ATTACHMENT A  
FULL PROPOSAL COVER SHEET AND NARRATIVE**

**MASSACHUSETTS ENVIRONMENTAL TRUST  
FY20 DRIVE FOR A BETTER ENVIRONMENT GRANTS PROGRAM**

Please complete and submit this Cover Sheet with your Full Proposal. Please be sure to include **ALL required documents as described in the RFR**. If you have any questions, please contact the Program Coordinator at 617.626.1075 or email [kathleen.mcdermott@mass.gov](mailto:kathleen.mcdermott@mass.gov) or [kim.tilas@mass.gov](mailto:kim.tilas@mass.gov).

DATE: 6 December 2018

**ORGANIZATION INFORMATION**

Organization Name	Town of Falmouth		
Address	59 Town Hall Square		
Main Phone	508-495-7320	Fax	
Primary Contact and Position	Jennifer McKay, Conservation Administrator		
Contact phone	508-495-7445		
Contact email	jmckay@falmouthmass.us		
Website	http://www.falmouthmass.us/		

**Check/Highlight:**

IRS 501(C) (3) NONPROFIT	<b>MUNICIPALITY *</b>	OTHER
--------------------------	-----------------------	-------

**PROJECT INFORMATION:**

TITLE OF PROJECT	<b>Coonamessett Greenway Heritage Trail: Interpretive Signs along the Coonamessett River (Falmouth, MA)</b>
BRIEF SUMMARY of PROJECT The Town of Falmouth along with its land trust, The 300 Committee (T3C) is developing the Coonamessett Greenway Heritage Trail that will run parallel to the Coonamessett River (the 3.2 mile waterbody that connects Coonamessett Pond to the marine waterbody to the south). The CGHT runs entirely through protected connected conservation lands. This funding request, of \$40,000 is to contribute to the production of 28 interpretive signs. Six larger signs will be located at the Gateway to the Greenway, the major trailhead being developed with Town and T3C support; the other 22 signs will be located in pairs at stations along the trail. The interpretive signage as a whole will tell the story of four centuries of land use change, as the river changed from a wild river with abundant diadromous fish populations, to blockages for industrial uses of mills from 1700 to the late 1800s and then cranberry cultivation until the early 2000s. The CGHT is being developed as part of the Coonamessett River Restoration Project, and the signage will also reflect the importance of the restoration process in restoring ecosystem values as we re-wild the river.	

**Check/Highlight Region of Focus:**

Statewide	Coastal	Western Mass	Central Mass	Greater Boston	Northshore
Metro Boston	Metrowest	Southeast Mass	Southshore	<b>Cape Cod &amp; Islands*</b>	

TOTAL AMOUNT REQUESTED	\$40,000	# of Years (1-3)	1
TOTAL PROJECT COST (from all sources)\$1,500, 000 (CGHT) and \$4,500,000 (CRRP)			

**PROJECT PARTNERS** (if applicable)

The 300 Committee, Coonamessett River Trust, Botany Club of Cape Cod & the Islands, Coonamessett Pond Association, Association to Preserve Cape Cod, Falmouth Preservation Alliance, Falmouth Rod & Gun Club, NOAA, MA Division of Ecological Restoration
---

**STATE YOUR ORGANIZATION'S MISSION:**

The Falmouth Conservation Commission is both a regulatory board under the authority of the MA Wetlands Protection Act and the Falmouth Wetlands ByLaw, as well as the management entity for the Town's conservation lands. It coordinates with The 300 Committee (Falmouth's Land Trust) to actively restore and manage conservation lands owned by both the Town and T3C (both organizations have land managers on staff). The Conservation Commission has 10 members, appointed for 3 year terms by the Board of Selectmen. Its work is supported by the Falmouth Conservation Department, which has a staff of 5.

NUMBER OF BOARD MEMBERS	10	TOTAL NUMBER OF VOLUNTEERS	N/A
TOTAL NUMBER OF STAFF	Full time	5	Part time

**LIST ALL PREVIOUS SUPPORT FROM MASSACHUSETT'S ENVIRONMENTAL TRUST**  
(include fiscal year, title of project and amount granted):

Fiscal Year	Title of Project	Amount of Grant
FY13	"Design Plans and Permitting for Lower Bog Dam Removal to Improve Fish Passage and Habitat Restoration along the Coonamessett River"	\$55,000.00
FY15	"Dam Removal and Habitat Restoration on the Coonamessett River, Falmouth, MA"	\$60,000.00

Signature of Chief Executive

Signature of Project Manager



Print Name

Print Name

Julian Suso	Elizabeth Gladfelter
Town Manager	Conservation Commissioner and Coordinator of the CRRP and the CGHT

Print Title

Print Title

## **Coonamessett Greenway Heritage Trail: Interpretive Signs along the Coonamessett River (Falmouth, MA)**

### **Problem Description**

The Town of Falmouth is requesting \$40,000 from the Massachusetts Environmental Trust for “*construction of signage for public paths bordering a waterbody*”. The 3 mile long Coonamessett River, one of Cape Cod’s largest rivers, is the waterbody that connects the 158± acre kettle-hole Coonamessett Pond to the marine waterbody, Great Pond estuary, and thence 2 miles to Vineyard Sound (App. A). The river flows through the Coonamessett Greenway, a 290 acre buffer along its entire length (App. B) that is protected conservation land owned either the Town or The 300 Committee (T3C; Falmouth’s land trust). The Town has worked actively over the past nine years on the Coonamessett River Restoration Project (App. C; CRRP). It has developed partnerships and secured funding to restore the ecologically important, but impaired lower Coonamessett River and its vegetated buffers (including timely funding by MET, highlighted in signage and public presentations). The CRRP was the impetus to simultaneously achieve a broader goal shared by the Town and T3C: to improve riparian and river habitat and public access along the entire 3.2 mile length of the river. The Coonamessett Greenway Heritage Trail (CGHT) will link and improve the series of existing trails that exist from Coonamessett Pond to Great Pond (see App. B, C); the shortest distance from Coonamessett Pond (north) to Dexter’s Mill Crossing (south) is about 3.5 miles; multiple loop trails exist in the protected parcels, as well. Along its length will be a series of interpretive signs that will highlight special features of the valley’s history and natural history that span more than 500 years from use of river resources. The first to use its resources were the indigenous peoples. From the late 17<sup>th</sup> century through the late 19<sup>th</sup> century, the power of the river was harnessed by blockages for grist and woolen mills, often conflicting with the desire of some of the population to harvest the fish resources. In the late 19<sup>th</sup> century the wetlands were converted to cranberry bogs, continuing conflicts of shared resource use. Now in the early 21<sup>st</sup> century, we are actively rewilding the river to restore its important ecological functions (e.g., diadromous fish migrations, biodiverse native plant communities) and develop a healthy, resilient natural ecosystem.

The Coonamessett River Restoration Project (CRRP), the \$4.5 million restoration initiative to restore the lower Coonamessett River, spearheaded by the Conservation Commission (ConCom) and funded through local, state and federal grants and in-kind support by the Town and local NGOs, is underway (App. D). Phase 1 is complete (removal of an earthen dam, replaced by Dexter’s Mill Crossing, a boardwalk/bridge that spans valley; the reconstruction of the river channel making it narrower, deeper, and meandering, making it 50% longer with more complex habitat; and, removal of >100 years of added sand restoring almost 15 acres of wetlands buffering the river). Phase 2 permitting is almost complete and construction will take place in 2019. This will entail the removal of another berm, replaced by another boardwalk/bridge, and replacement of deteriorating culverts under a town road with a MA DOT approved stream crossing culvert; increasing the stream channel by 50%; and restoration of the wetlands as described above (see App. B).

The Town of Falmouth began acquiring conservation lands along the Coonamessett River in the 1960s and 1970s. Partnering with The 300 Committee (T3C; Falmouth's land trust) since 1985, there has been a concerted effort to protect additional lands through this corridor for permanent conservation – through acquiring privately owned lands for Town or T3C ownership. These partners, the Town and T3C, have also organized on going land management and restoration projects aimed at protecting and restoring riparian and river habitats in the valley. The most recent addition to the greenway is a 10 acre purchase by T3C in Spring 2017 (highlighted in yellow hatch in App. B), providing a critical link between two Town owned conservation parcels on the shores of Pond 14, and connecting to the largest active farm in Falmouth, now town owned and managed. The Town and T3C have an MOU that fosters an active partnership in stewardship and management activities in conservation lands throughout town.

The Falmouth Conservation Commission and T3C have long shared the goal of creating the Coonamessett Greenway Heritage Trail (CGHT) along the Coonamessett River from Dexter's Mill Crossing (recognizing the grist mill built there in 1700) in the south to the Coonamessett Pond in the north (App. C). This Greenway is already actively used by many groups for passive recreation, education and research (see App. E). However, we see the development of the CGHT as the perfect opportunity to also educate the public through interpretive signage about the rich cultural history of the valley as well as the impact of these past land uses on the ecological functions of a groundwater fed river valley; we will also highlight the many benefits of watershed protection and restoration (see App. F for interpretive panel themes and partners). In addition to the diverse natural ecosystems present in the Coonamessett Greenway (the river, the Pond, wetlands including vernal pools and natural bogs, forests and fields, and the accompanying wildlife), there is the long history of varied land use as economies have changed through the centuries.

The history of the Coonamessett River is similar to many other rivers on Cape Cod, highlighting the conflicts that arise when different stakeholder groups impact the same resources. In the early days the river valley provided sustenance for Native American people. The name "Coonamessett" means 'place of long fish', no doubt referring to the American eel. When Falmouth was first established in 1685, the river was the eastern boundary of the town, and named "Five Mile River." There has been a long history of conflict between the use of the river as a fish run (for sustenance, commercial use and sport tourism) and its industrial uses (mills and cranberry cultivation). The dammed river provided power for grist mills (1700s) and later wool mills (1800s). More than 100 years ago, cranberry bogs were created from the buffering wetlands. The river's history also encompasses the migrations of peoples to the area, from the first indigenous people; to the early European settlers of Cape Cod, who harnessed the power of the river for mills and later converted the wetlands to cranberry bogs and whose names are remembered as the names of villages and streets in town; to the migrations from the Cape Verde Islands and Azores, who came to labor in the cranberry bogs and strawberry fields, but then became farm owners and integral members of the Falmouth community themselves. The latest phase of the land use history will be the restoration story, re-wilding the river, as it will be actively returned to a natural form, by removing stressors arising from past land use practices

(dams and culverts; sand). Habitat for the five species of diadromous fish will improve as well as that for other wildlife; this has already been occurred in a spectacular fashion as a result of Phase 1 restoration. The fish abundances, bird activity, the diversity of plants and the flourishing of high quality insects has been documented. The restoration also provides enhanced coastal resiliency by restoring the ecological functions of an intact floodplain and the development of natural wetland communities.

### **Project Goals and Anticipated Outcomes**

*The goals of this project are*

- to produce the series of interpretive panels so that the public can learn about the evolution and function of the river and its buffering wetlands and uplands through changes in land use across the centuries as well as the goals of the restoration activities currently underway
- to complete a trail system with interpretive signs along the Coonamessett River through the Coonamessett Greenway that will provide multiple points of access to and across the river and its buffering wetlands for people of all ages and all abilities
- to design and construct the major trailhead, the Gateway to the Greenway, that will orient visitors to the various trail options as well as the location of the waystations containing interpretive signs along the way

*Anticipated outcomes*

The Coonamessett River corridor is already visited by many in the public for passive recreation (walking, running, birding, dog walking), education (from elementary classes through college groups) and research (App. E). The development of the CGHT, will allow expansion of these activities to include specific stories of both historical and cultural interest (who worked this land? What did they do? What effect did it have on the natural functions of the river and its wetlands?) We will also highlight the natural history features of the region (e.g., the migrating and year round fish and birds, the reptiles and amphibians, and the rich biodiversity of the wetland plant community). Lastly the ecosystem value of restored wetlands will be emphasized. The Coonamessett Greenway will become a place to visit again and again not only to learn from nature that can be seen today, but also how to contemplate how a landscape and a community changes as traditional land uses are no longer economically viable, new economies develop and the older economies move elsewhere. The Coonamessett Valley and its Coonamessett River possess a complex and varied history. We anticipate that many will be enriched by their visits to its lands. We also hope that they will be inspired to contribute to similar efforts elsewhere.

## Project Approach

### *Proposed methodology*

The development of the Coonamessett Greenway Heritage Trail and its major trailhead, the Gateway to the Greenway, is spearheaded by the Town and T3C, assisted by the collaboration of a number of partners and individuals (App. D and letters of support). Many individuals and groups, who share an interest in the history and ecology of the region are contributing to the development of the interpretive panels. River and wetland restoration actions will be explained in the context of the historical uses of the valley that impacted the function of the wetlands, but provided economic benefits at that period in time. The tasks (please see below for details) to complete the CRHT will be coordinated through Elizabeth Gladfelter, Coonamessett River restoration coordinator, who is a Conservation Commissioner and a coastal scientist. She will work with Tom Chilton on overall design and development of the interpretive panels, and Alison Leschen, who will refine the stories and do the initial layout. The content will be gathered from a variety of sources. The Gateway to the Greenway and the Coonamessett Greenway Heritage Trail are joint projects of the ConCom and the T3C.

The Coonamessett Greenway Heritage Trail scope of work will consist of:

- (1) Interpretive panels at each of eleven waystations plus six panels for overall orientation to the site and the interpretive themes to be located at the Gateway to the Greenway. Please see App. F for the theme of each panel and the group (s) developing the materials. There will be two panels at each waystation, cultural or historical events significant to that site, and the other highlighting important ecological or geological features as appropriate to the site.
- (2) The trails themselves through conservation lands that allow a visitor to walk the entire length of the river, to walk a smaller, perhaps loop portion, or to visit the many trailheads with vehicular parking at stations along the length of the trail that allow access to the river;
- (2) Two new river crossings and wetland walkways, Dexter's Mill Crossing (built) and Swift's Crossing (to be built in early 2019) bridging the river where the dams will be removed;
- (3) The Gateway to the Greenway (at the southern terminus) will have a panel that highlights contributors (such as MET) and a map of the trail, showing the locations of the waystations. The four themes of the trail will be described in the other panels located there: History, Ecology, Geology/Hydrology, and Restoration ecology.

We also work closely with several groups, which are engaged in other restoration projects locally and regionally. The 300 Committee has recently restored a wetland area, Teaticket Park, and has installed some interpretive signs. The Association to Preserve Cape Cod's Restoration Center works closely with the Coonamessett Restoration project as well as the CGHT, so that lessons learned can be used to assist other projects. The Falmouth Rod and Gun Club have recently

begun the restoration of the Child's River, and also work closely with us to help guide their project. The Coonamessett River Trust is engaged in several studies of plant succession after restoration to compare the Coonamessett trajectory with other bog restorations in the region (e.g., Tidmarsh in Plymouth). We have reciprocal visits with local restoration areas: Tidmarsh, Eel River, Red Brook. We also work closely with state and local partners, including the NOAA Restoration Center and the MA Division of Ecological Restoration. Numerous public presentations about the Coonamessett restoration are given each year by the project coordinator, by members of the Coonamessett River Trust, as well as by scientists from NOAA and DER and MA F&W.

### *Project Staff*

The major project staff and their roles are as follows:

#### *Town of Falmouth Conservation Department and Commission*

Jennifer McKay (Conservation Administrator) oversees all grants and all work to be undertaken in Conservation parcels.

Mark Kasprzyk (Conservation Land Manager) oversees restoration activities and maintenance and management activities on Town conservation parcels.

Elizabeth Gladfelter (Conservation Commissioner) coordinates all activities undertaken with partners on the Coonamessett River Restoration Project as well as the CGHT project. She is an ecologist with many years in management and coordination of projects with different partners.

#### *The 300 Committee*

Jessica Whritenour (Executive Director) and T3C are major partners with the Town in the creation of the Gateway Park, facilitating land acquisitions to add to the Coonamessett Greenway, and coordinating management and restoration activities and organizing recreation outings on greenway conservation parcels. T3C has developed interpretive panels for other parks in town.

Alison Leschen volunteers with T3C and has coordinated developing interpretive panels on other conservation lands. She is past director of the Waquoit Bay National Estuarine Research Reserve.

#### *The Coonamessett River Trust*

Wendi Buesseler (President) and the others have been active for almost two decades in monitoring biological, physical and chemical parameters on the river, and are dedicated to restoring health to the river. The CRT consists primarily of scientists with expertise in ecology, river ecology, wetland science and botany (through contributions of the *Botanical Club of Cape Cod and the Islands*). CRT will develop much of the material for the natural history interpretive signage.

### *Individual volunteers*

There are two individuals (not affiliated with a partner group), who also fill major roles in the CGHT project, particularly in the development of the interpretive panels:

Tom Chilton (retired Discovery Exhibits and currently a volunteer with the WHHM) will assist Betsy Gladfelter in working with the groups and individuals that are developing the interpretive panels. In his professional career, Tom Chilton produced many interpretive panels for the US National Park Service, many on wetland ecology and other natural history themes. He has already produced a guidebook in how to approach developing the panel (which we have distributed to all the partners), and he will oversee the process of producing the stories for the panels and guiding choice of illustrative materials. He will not be involved in the production of the panels (we will contract out that work with funding from this proposal and other sources), but he will help review them at various stages of production. He has also provided cost estimates for panels (please see letters of support: Discovery Exhibits, Chilton) that will withstand the sometimes rugged weather conditions in the Coonamessett Valley.

Jennifer Gaines (retired Executive Director of the Woods Hole Historical Museum) will develop the material for many of the historical panels. She has published a number of papers in the WHHM's journal, *The Sprintsail*, on the historical economies of Falmouth, including mills, cranberry farming, and sheep farming and wool production; much of her research has been about the Coonamessett Valley. She also has recently developed historical panels for the Steamship Authority about the history of Woods Hole for their new vessel the M/V Woods Hole coordinating with Tom Chilton (below) and Betsy Gladfelter.

There will be a review the panels before production. This group (depending on the subject of the panel) will consist of members of the CRT, T3C, Association to Preserve Cape Cod, the Falmouth Preservation Alliance, the Historical Commission, the Conservation Commission, Public Archeological Lab (RI), the Division of Ecological Restoration (Beth Lambert) and NOAA Restoration Center (Jim Turek) as well as Tom Chilton and Betsy Gladfelter.

### *Tasks and timeline*

#### Interpretive panels

There will be four interpretive panels that detail the themes of Coonamessett Valley (History, Ecology, Geology/Hydrology, Restoration ecology) at the Gateway to the Greenway. There a visitor can become oriented to the trail as a whole by viewing a posted trail map with the various waystations identified, as well as a sign designating all the donors to the project, including Massachusetts Environmental Trust. This gateway will also be the gathering place for student groups (area to park a bus will be provided), field trips led by T3C and others. There will be 11 waystations spaced along the length of the Coonamessett River on the CGHT. The signs will be paired: a cultural stories (as appropriate to the site) and a natural history story. In total, there will be 26 interpretive panels (plus a map and a panel to list all the contributors to the CRRP and the CGHT. The groups helping develop or review the interpretive panels include The 300 Committee, the Coonamessett River Trust, Association to Preserve Cape Cod, the Coonamessett Pond Association, the Cape Verdean Club (and Representative Vieira), Falmouth

Rod and Gun Club, some volunteers from the Woods Hole Historical Museum, who have experience in producing similar series of panels, members of the Conservation, Historical and Agricultural Commissions, NOAA, Division of Ecological Restoration. The Public Archeological Lab (RI) has already produced material for the signs about mill history, and material has been developed for the T3C Riverbend site. These groups are willing to contribute and have begun developing the themes of the panel (see letters of support; App. E).

Tom Chilton (who used to develop such panels for the US National Park Service), developed a guidebook so that appropriate story lines can be developed, and relevant illustrative materials gathered. Each group is currently in the process of researching material for the panels for which they have responsibility. The material for several panels has been developed and draft layouts are being made. These will be produced with monies already available. The other panels are still in various stages of development, but drafts will be completed by May 2018, and reviewed by a team of consisting of members of the partner groups (see section on staff above). By September 2019, we will be prepared to solicit bids for production of the panels. The amount requested would cover the costs of the design of the panels with appropriate feedback. We anticipate the several exchanges between contractors and our review groups to take about six months with final approval from the design review team and the conservation commission. Delivery of the panels will be by December 2019. Trail signs and interpretive signs will be installed with the help of DPW and volunteer labor in early spring 2020, coordinated by Conservation and T3C.

### The trail

Using existing trails, berms, and farm roads, in 2015 the route was mapped with the help of a high school and a college intern, the Conservation land manager and the stewardship coordinator of T3C. Locations for interpretive panels were identified, and groups and individuals with interest and expertise in the history and ecology of the region contacted. This includes the Coonamessett Pond Association, which develops trails and historical signs in the upper valley. We are in the process of maintaining and improving this trail with volunteer labor, including Americorps volunteers, Boy Scout groups and many others in the community, who are and will be organized by the ConCom land management technician and T3C stewardship coordinator, as well as staff from the Association to Preserve Cape Cod. The Coonamessett River Trust several years ago secured funding to build a trail bridge (over the River Flax) over a side stream entering the Coonamessett River; this is located on the southeast portion of the CGHT.

On-going trail maintenance is organized by the Falmouth Conservation Department and T3C as either Boy Scout projects or citizen or Americorps workdays. There are also a few areas where the trail will follow a road (a portion on Sam Turner Road and a portion of Sandwich Road), but the T3C is pursuing land acquisition opportunities, so that in the future these may be eliminated. The trail will need to cross four roads: Hatchville Road (in the north), Thomas B. Landers Road, Sandwich Road and John Parker Road. In December 2017, we met with the leaders of the DPW, Police Department, Planning Department, Town Manager's office, T3C and the landscape

architects creating the conceptual design for the Gateway Park to discuss road crossings and road cuts for parking to determine the best approach for pedestrian safety. Signs and other safety features will be installed from 2019 and completed by September 2020.

Maintenance of the town conservation parcels is coordinated through ConCom working with the DPW, while T3C oversees its lands. T3C has a stewardship program, and most parcels (Town and T3C) have one or more stewards, who regularly walk the parcels, often collect small trash items, and will call the appropriate contact for larger problems. T3C and Conservation are developing an overall management plan in consultation with Town DPW for the CGHT.

Eleven waystations will be established along the trail, each with interpretive panels, and many will also have a kiosk with maps and recent notices. All but two of these waystations will be vehicle accessible and have limited parking. Some already have picnic areas as part of the site development (e.g., the Bartolomei Conservation Parcel ; and the T3C Riverbend parcel) and have kiosks, parking and picnic tables. Only interpretive panels will need to be added to these. Initially the other waystations accessible by road will have kiosks, but eventually other amenities, such as benches, may be added.

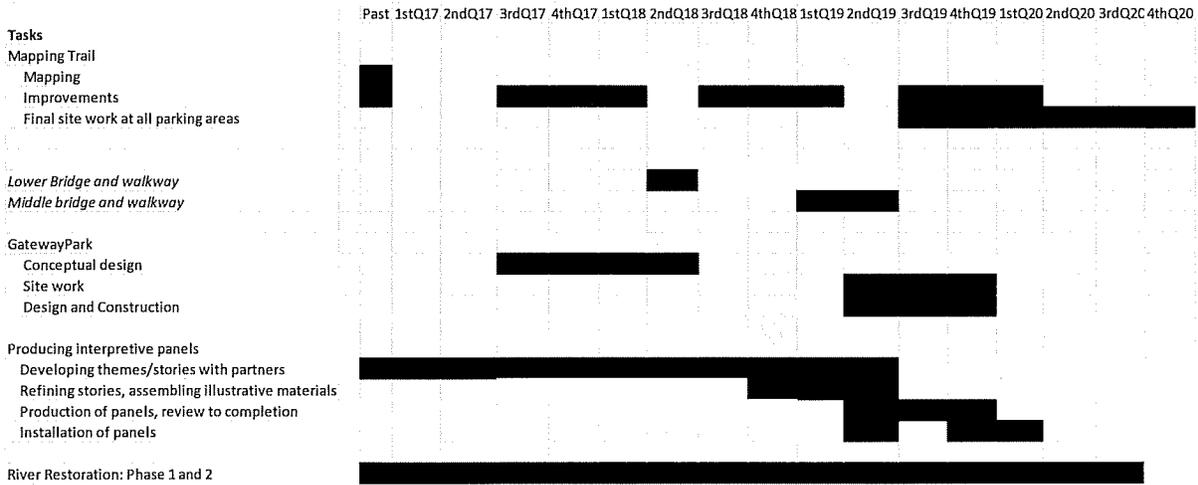
#### River crossings and wetland walkways.

Wetland walkways/river crossings replace the dams removed in the restoration process. Dexter's Mill Crossing already exists (App.E) and Swift's Crossing will be built in spring 2019. They will be connected with trails on the east and west of the river and the whole will form a mile long wheelchair accessible route. The walkways were made possible by the people of Falmouth through Community Preservation Funds.

#### Gateway to the Greenway

The 300 Committee working with the Town is currently in the design phase of a Gateway to the Greenway to be located at the southern extension of the CGHT (App. B). We have developed conceptual plans, and have applied to the Community Preservation Committee for the funds for engineering and permitting for (1) a rural parking area (with interpretive and orientation signage) with trails down to river back level, and (2) an amphitheater (made of granite blocks remaining from the 1800's mills), which will lie nestled in the hillside on east slope (see App. B). The intent is to provide an orientation to the CGHT, and also to provide a gathering place for the school groups, field trips led by groups (e.g., T3C, APCC, CRT and others), for researchers (e.g., CRT monitoring studies) and the general public, consisting of families on a hike, dogwalkers and so forth. Funding will include both additional grants and fundraising led by T3C, which will fund the wheelchair accessible trail connecting the river crossings and forming the lower loop.

*Timeline for the four tasks in developing the CGHT, and the river restoration timeline.*



*Target audiences*

An important goal of this project is to provide access to the Coonamessett River for people of all ages and all abilities. Many people visit the river already for many activities (App. E), including passive recreation (walking dogs, walking/running, bird and/or fish watching, recording river sounds, etc), for formal educational field trips (ranging from early elementary to college), and research (a variety of monitoring studies led by the CRT, but including college students, state and federal scientists, etc.). However, easy access for folks with disabilities and for older persons, is presently more challenging. We want to provide the opportunity for all (residents and visitors) to be in nature and to learn from nature.

**Project Benefits**

The mission of the Massachusetts Environmental Trust is “to support projects that enable innovative approaches to protect and restore natural resources.” We are grateful to the support of MET in the ongoing Coonamessett River Restoration Project (and acknowledge their special source of funding through including a trout plate with the MET logo on all our materials; App.F construction sign for Phase 2). We see the development of the CGHT as a direct way to educate the public not only about the many benefits of wetland restoration, but also the stories through the centuries that led us to where a major restoration project was necessary in the first place. Man’s use of resources change through time. What was once deemed an economic necessity for a region, often conflicted with other uses man may have envisioned from that resource.

However, we have recognized much more recently that these systems are valuable in themselves when they are restored to health. Certainly, the restoration of the Coonamessett will be beneficial for the important commercial fish species and all other wetland wildlife and plant communities, but its position as a coastal embayment will greatly increase coastal resiliency. Finally, this project offers an opportunity for people to learn about their environment, their community and themselves.

*Beyond the immediate project area*

The stories told along the CGHT are of universal application...man's use of natural resources changes through time, conflicts frequently occur as members of a community may want a different use of the resource, and finally, how inevitably the exploitation of natural resources, particularly wetlands, diminishes the ability of an ecosystem to provide maximum benefits to protect the environment that would be afforded by a healthy system. Our story in Falmouth is mirrored throughout the Cape, and in fact, the world.

We coordinate on a regular basis with similar projects in the SE Massachusetts region, and give many presentations annually (e.g., Nov 2018 to the herring network annual meeting, another to the Cornell Club of CC). We also give presentations at the local, regional, state (e.g., March 2019 at the MACC Conference) and national (e.g., May 2018 at the Society for Wetland Scientists meeting) level on this project.

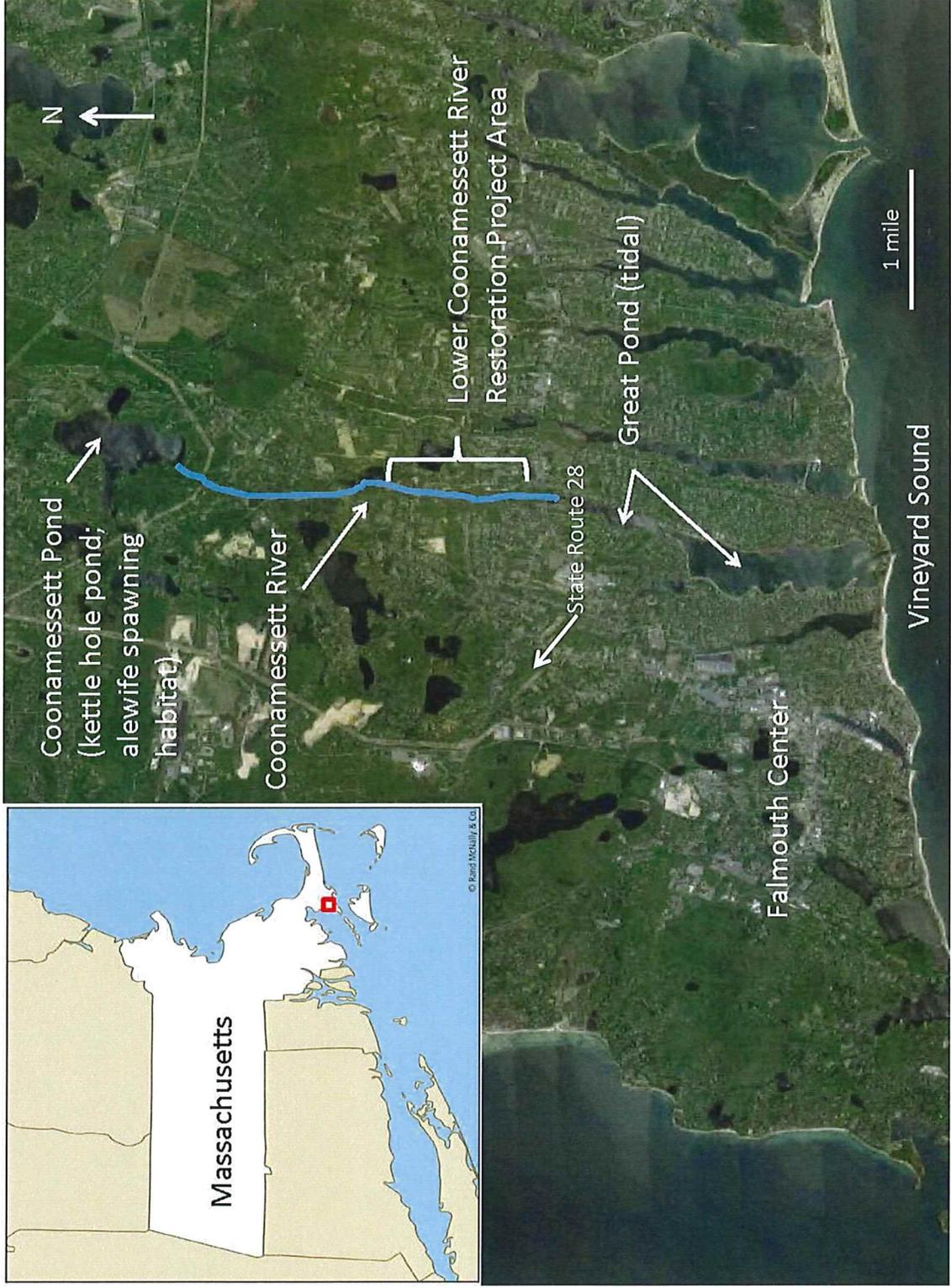
**Outreach/Publication and Promotion of MET:**

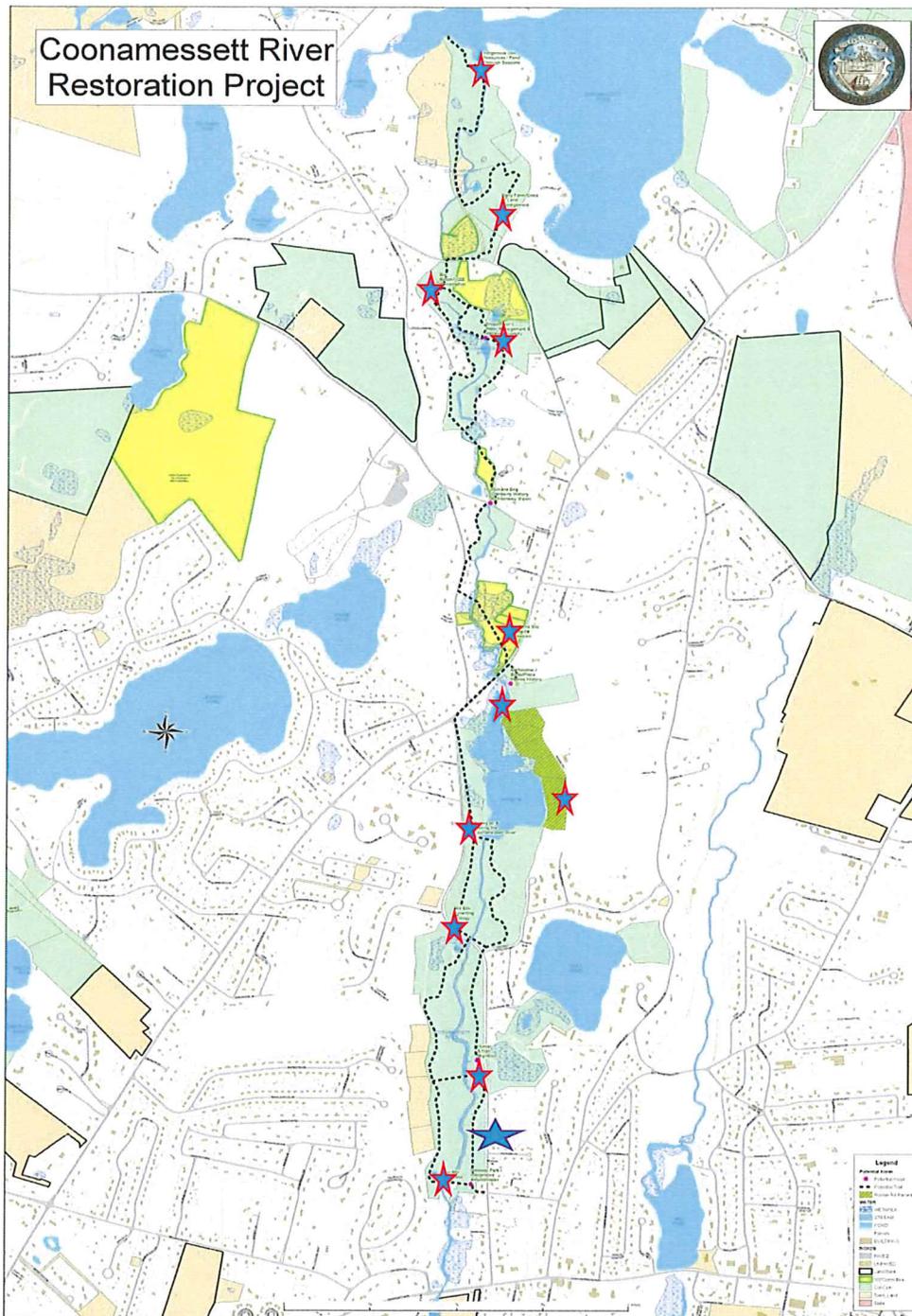
The Coonamessett River Restoration project has had extensive coverage (many front page stories) in local and regional newspapers, TV and radio shows. There has already been a front page story on the CGHT ([https://www.capenews.net/falmouth/news/heritage-trail-planned-for-river-corridor/article\\_fc6fd4-1791-5302-a545-a1e35581aa6c.html](https://www.capenews.net/falmouth/news/heritage-trail-planned-for-river-corridor/article_fc6fd4-1791-5302-a545-a1e35581aa6c.html)). The APCC produced a video on the river restoration shown at Fall 2017 Town Meeting (<https://youtu.be/pFf0hmYlgj4>), and another video of the ribbon cutting for Dexter's Mill Crossing (<https://youtu.be/ueXIUnsPg5I> and <http://www.fctv.org/v3/vod/dexters-mill-crossing-ribbon-cutting-ceremony-may-6-2018>)

Similarly, as elements of the CGHT, begin to appear along the trail (e.g., the interpretive signs; the Gateway Park), there will also be news coverage (by multiple media).

MET is a valued partner in our river restoration efforts (App F). We add the trout license plate to the MET logo to remind folks of where funding for MET is derived. Every time we have had a newspaper interview and partners have been mentioned, we have explained the source of MET funds, but unfortunately no one has published that part of the story yet. We will continue this effort.

# App. A



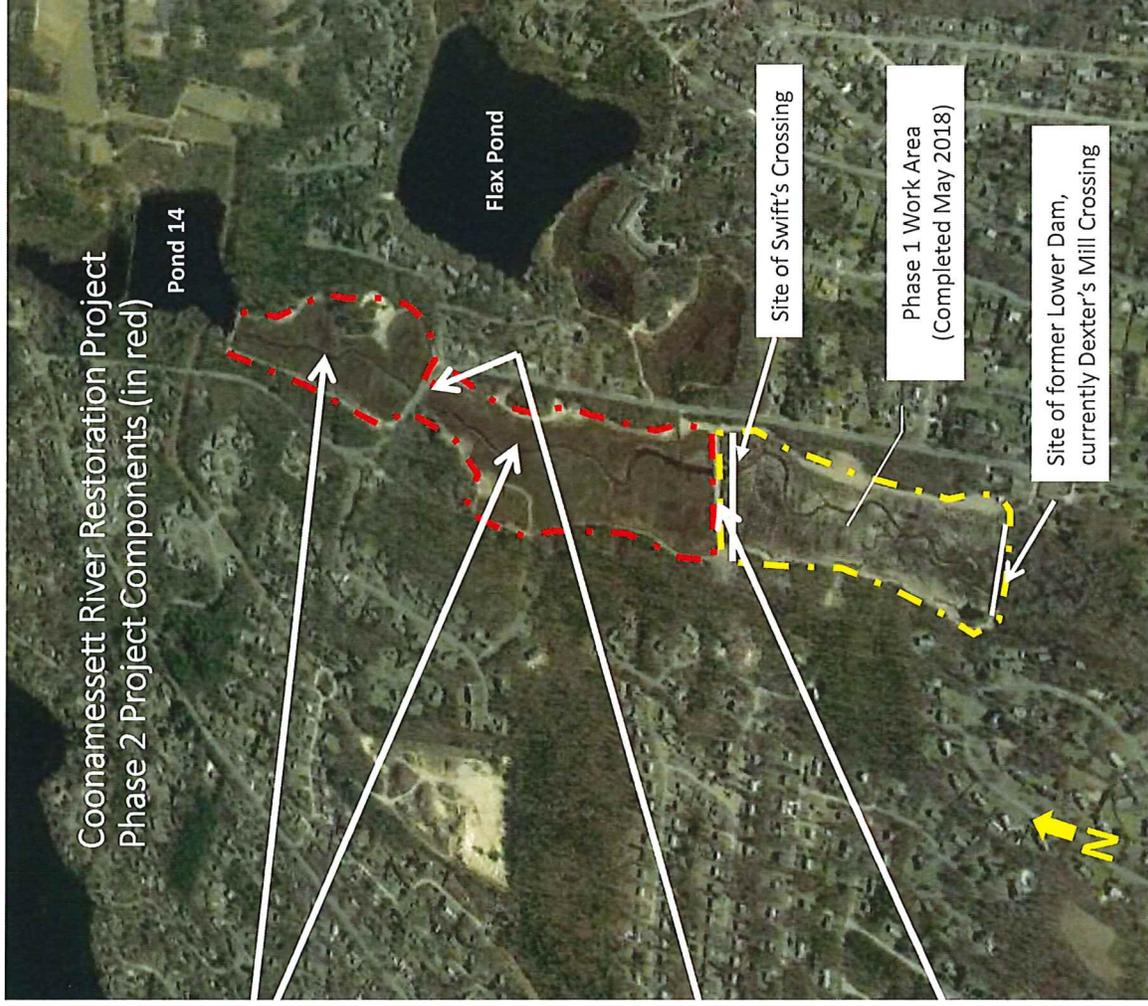
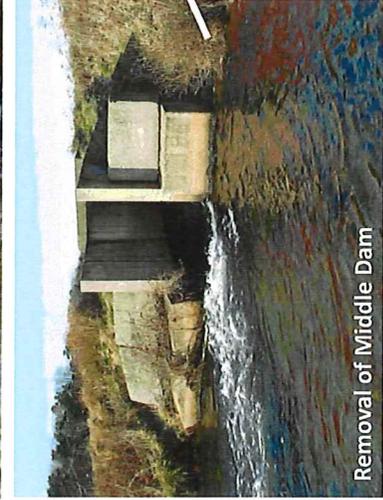
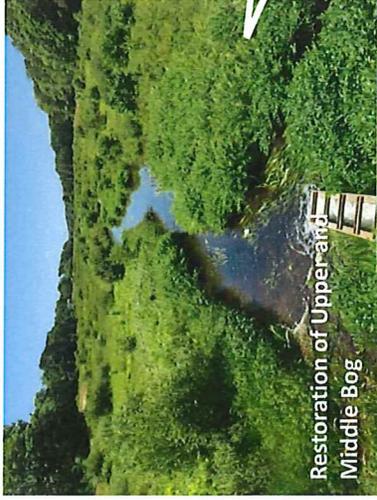


**Coonamessett Greenway Heritage Trail**

- ★ position of 11 waystations with interpretive signage
- ★ position of Gateway to the Greenway: major trailhead parking, orientation map and interpretive signage
- Town conservation land
- T3C conservation land
- T3C most recent addition to the Coonamessett Greenway (yellow hatch)

**APP. B**

# APP. C



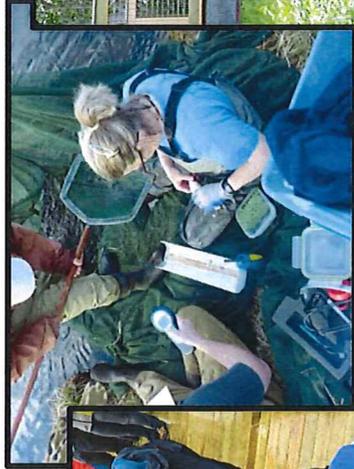
# The Town of Falmouth thanks the partners and supporters of the Coonamessett River Restoration Project



# APP. D



*The Coonamessett Greenway provides many benefits for us now and for future generations*



App. F

Coonamessett Greenway Heritage Trail (themes Nov 2017) Gateway Park:  
History of the Land use change through time in the Coonamessett Valley  
Ecology of the Coonamessett River: land and wetland resources  
Geology and Hydrology of the Coonamessett River:  
    A groundwater fed low gradient stream  
Restoration: importance of wetland restoration and watershed protection  
Plus: Map of the entire CGHT and an acknowledgement of project partners

1. Dexter's Mill Crossing  
    History of Mill at site (text completed by Public Archeological Labs)  
    Foodwebs and the role of diadromous fishes in linking land to ocean resources (CRT)
2. Middle Bog berm/Flax creek:  
    Human migration: history of Cape Verdeans and Azoreans contributions to Falmouth  
    (ehg; Cape Verdean Club)  
    American eel life cycle and migration (both showing maps of the Atlantic) CRT
3. J Parker Rd crossing:  
    Mill site (a history of mill ponds and uses on river) text completed PAL  
    Important ecosystem services recovered through river restoration: fish passage and  
    floodplain restoration CRT, APCC, DER
4. Pond 14:  
    Cranberry framing in the Coonamessett (Jeenifer Gaines, Agricultural Commission)  
    Fishing history (commercial, recreational) in the Coonamessett (CRT and FR&GC)
5. Tony Andrews Farm riverfront parcels (T3C):  
    History of the Andrews family farm (Agriculture Commission)  
    A community farm for the Town of Falmouth (Agriculture Commission)
6. Bartolomei Conservation Parcel:  
    Names of places: Hatch, Sam Turner, Thomas B Landers, John Parker  
    (J. Gaines, ehg and others)  
    Birds of the Coonamessett Valley( CRT and T3C)
7. T3C Riverbend (T3C):  
    Silo and grist mill: agricultural history (sheep) (A. Leschen and J. Gaines)  
    Biological succession (plants in area, incl. sundew, and wildlife as bog naturally  
    transformed over time) (BCCCI)
8. George Souza Reserve:  
    Broad River: and the history of wetlands in the upper Coonamessett River valley  
    Dutchman's ditch and man's modification of water flow in region (ToF)
9. Toner Parcel (T3C)  
    Air Force remediation project (pollution and dispersal through groundwater) (AFCEC)  
    Bioblitz 2010 and importance of biodiversity (T3C)
10. DuPee Conservation Parcel:  
    Dairy Barn remains (and agriculture history of area) (CPA)  
    Management strategies for Meadow (manage land for set goals)(Concom, T3C)
11. Souza Conservation Parcel at the shore of Coonamessett Pond Shoreline:  
    Indigenous use of natural resources (contacts with Wampanoag tribe)  
    Seasonal changes including animals/plants of the pond (CPA)



# TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

November 19, 2018

Governor Charlie Baker  
Massachusetts State House  
Office of the Governor, Room 280  
24 Beacon Street  
Boston, MA 02133

Dear Governor Baker:

In the recent Economic Development Bill (H. 4569) \$800,000 was allocated for increasing internet connectivity in Falmouth, Hyannis and Provincetown. We are writing today to request the release of funds in the amount of \$200,000 for the Town of Falmouth.

Open Cape worked in conjunction with the Town Managers, EDIC 's and Chambers of Commerce, as well, as with the Cape Cod legislators to submit these requests, which were ultimately included in the Bill.

Open Cape will use the \$200,000 allocated to the Town of Falmouth for the businesses in downtown Falmouth who experience very poor connectivity, which affects the processing of credit card transactions. These funds will be used to finish the building-out in downtown Falmouth and will offer the businesses robust internet at an affordable price, which in turn will enable Falmouth to have infrastructure for a robust Main Street to attract and retain business. As an added benefit, this technology will be used to allow Open Cape to deploy pilot GB residential service.

Therefore, we appeal to you to have these dollars released immediately in order to be put to use on the Cape before the start of the summer season 2019.

Sincerely,

FALMOUTH BOARD OF SELECTMEN

---

Susan L. Moran, Chairman

---

Samuel H. Patterson

---

Megan English Braga

---

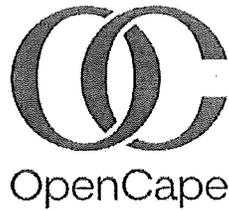
Douglas C. Brown

---

Doug Jones

cc: Rep. Dylan Fernandes  
Sen. Vinny DeMacedo  
Sen. Julian Cyr  
Michael Galasso, Falmouth EDIC

Michael Kasparian, Falmouth Chamber of Commerce  
Mark Els, Barnstable Town Manager  
David Panagore, Provincetown Town Manager  
Jay Ash, Sec. of Housing & Economic Development



November 6, 2018

Governor Charlie Baker  
 Massachusetts State House, 24 Beacon St.  
 Office of the Governor, Room 280  
 Boston, MA 02133

Dear Governor Baker,

First off congratulations to yourself and the Lt. Governor regarding the election. Secondly, I have a very specific and timely request to make from you.

In the recent Economic Development Bill (H. 4569), \$800,000 was allocated for increasing Internet connectivity in Falmouth, Hyannis and Provincetown. I am writing today to ask you to release those funds immediately and will gladly share exactly how we would use these dollars and the direct benefit they would generate towards Economic Development.

Working in conjunction with the Town Managers, EDICs and Chambers, as well as, the Cape Cod Legislators, we had submitted these requests, which were ultimately included in the Bill.

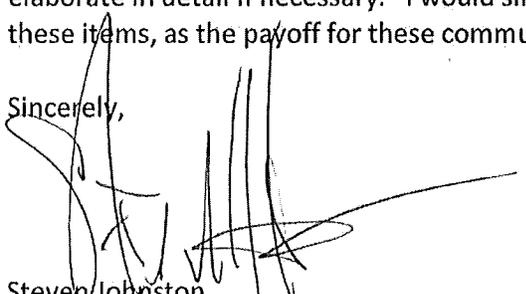
<b>Falmouth</b>	<b>Hyannis</b>	<b>Provincetown</b>
Amount \$200,000	Amount \$300,000	Amount \$300,000
<b>Use:</b> Businesses in Falmouth complain about very poor connectivity, so poor in fact they can't process credit cards, resulting in lost sales.	<b>Use:</b> create Robust Main Street & North Street to attract new businesses to relocate downtown. Rejuvenation of downtown	<b>Use:</b> lack of connected municipal buildings and address demand for better Internet to allow for increase year-round residents
<b>Proposed:</b> Finish building out in downtown Falmouth and offer businesses robust Internet at affordable price	<b>Proposed:</b> Run 1.6 miles of fiber and also offer a wireless overlay in order to serve large and small business with most economical service.	<b>Proposed:</b> connect municipal buildings and pilot a 5G wireless service that would offer high speed residential service

<p><b>Benefit:</b> Enable Falmouth to have infrastructure for a robust Main Street to attract and retain business. Ancillary benefit, technology used will allow us to deploy pilot Gigabit residential service.</p>	<p><b>Benefit:</b> Lay foundation for turning Downtown Hyannis into the business Centre of Cape Cod. Create a vibrant center for Entrepreneurship &amp; Innovation</p>	<p><b>Benefit:</b> Allow residents to extend time in Ptown and work effectively to manage remote business interests. Connect critical municipal buildings</p>
<p><b>Timeline:</b> Ready to build now BEFORE Summer 2019</p>	<p><b>Timeline:</b> Ready to build now BEFORE Summer 2019</p>	<p><b>Timeline:</b> Now thru Fall 2019</p>

Each of these scenarios would deliver significant Growth and Economic Development opportunities for their communities. The return on investment would be dramatic and immediate. We are already collaborating and working with Town leaders and are simply waiting on the allocation of the funds to begin. Based on the volume of money the Commonwealth has spent supporting the expansion of services in Western Mass, I believe this is a reasonable request and we are anxious to have these dollars released immediately in order to be put to use on the Cape before the start of the Summer season 2019.

I am available at your convenience to answer questions you may have (508) 524-5905 or to elaborate in detail if necessary. I would simply ask you if we could move sooner vs later on these items, as the payoff for these communities would be significant.

Sincerely,



Steven Johnston  
Chief Executive Officer & Executive Director

- Cc: Rep. Dylan Fernandes  
 Sen. Vinny DeMacedo  
 Michael Galasso Falmouth EDIC  
 Michael Kasparian, Falmouth Chamber  
 Mark Els, Barnstable Town Manager  
 David Panagore, Provincetown Town Manager  
 Julian Cyr, Senator  
 Jay Ash, Secretary of Housing and Economic Development



**TOWN OF FALMOUTH  
WEDDING CEREMONY AND PARKING PERMIT**

**NAME** Kristen Couture and Paul Couture

**MAILING ADDRESS** 459 Ashumet Rd., E. Falmouth, MA 02536

**CEREMONY DAY & DATE** Saturday, June 8, 2019

**LOCATION** Old Silver Beach (Public Beach)

**SET-UP ARRIVAL TIME** 4:30 p.m. **CEREMONY HOURS** 5:30 p.m. – 6:30 p.m.

**NUMBER OF GUESTS** 100 **NUMBER OF VEHICLES** 20 - 30

**TIME NEEDED FOR PARKING VEHICLES** 5:00 p.m. – 7:00 p.m.

**ENTERTAINMENT** Music. Photography.

**CONDITIONS:**

1. Consumption of alcoholic beverages prohibited on Town beaches and parking areas.
2. Public parking is on a first come first serve basis.

**PERMIT FEE** \$75.00 **FILING FEE** \$10.00

**DEPOSIT** \$300.00 *(Deposit refundable at conclusion of event provided that no litter or damage has occurred)*

**BOARD OF SELECTMEN:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TOWN OF FALMOUTH  
BOARD OF ASSESSORS  
PUBLIC HEARING NOTICE  
FISCAL YEAR 2019  
PROPERTY TAX ALLOCATION AND CLASSIFICATION HEARING

In accordance with the requirements of Massachusetts General Law Chapter 40, Section 56 the Falmouth Board of Selectman will hold a Fiscal 2019 Property Tax Classification Hearing Monday, November 19, 2018 at 7:30 p.m. in the Selectmen's Meeting Room of the Town Hall, 59 Town Hall Square, Falmouth MA.

The purpose of the public hearing is to consider the percentage(s) of the FY2019 tax levy to be borne by each class of taxable real and personal property.

All persons interested in the determination may appear and be heard at the time and place stated above.

*Falmouth Enterprise: Friday, November 9, 2018*

*Account #: 2056*



## Town of Falmouth Assessing Department

59 Town Hall Square, Falmouth MA 02540

Telephone: 508-495-7380

Fax: 508-457-2511

### Board of Selectmen

Cities and Towns that are certified by the Commissioner as assessing Property at full and fair cash value may elect to shift the tax burden among the major property classes within certain limits established by MGL Chapter 40, Section 56.

The Board of Selectmen must vote whether to establish different rates among classes of property or to continue to tax all classes at the same rate by adopting a factor of "1".

The adoption of different rates does not change the total property tax levy; rather it determines the share of the total levy to be carried by each class.

The options are as follows:

Split Tax Rate

Residential exemption (MGL 59:5C)

Small Business Exemption (MGL 59:51)

Open Space Exemption (MGL 59:2A)

## Board of Assessors Action

Considering the analysis and fiscal impact, the Board of Assessors recommends to the Board of Selectmen vote a "Factor of 1" and reject the residential, open space and small business exemption.

The Board of Selectmen would vote the following motion if they decide to support the Board of Assessor's recommendation of a Factor of 1:

"Move that the Town of Falmouth continues to tax all classes at the same rate by adopting a factor of "1" and to reject the residential, commercial and open space exemption"



# TOWN OF FALMOUTH ASSESSING DEPARTMENT

59 Town Hall Square, Falmouth MA 02540  
Telephone: 508-495-7377  
Fax: 508-495-7384

### EFFECT OF SHIFT AT 150%

Class	% of Total	Value	Factor of 1		Shift	Tax Rate	
Commercial	5.37%	646,700,900	8.56	X	150%	12.84	\$8,303,639.56
Industrial	0.76%	92,135,700	8.56	X	150%	12.84	\$1,183,022.39
Personal Property	1.97%	237,702,590	8.56	X	150%	12.84	\$3,052,101.26
Residential	91.87%	11,070,546,608	8.56	X	96%	8.19	<u>\$90,613,537.33</u>
<b>TOTAL</b>	<b>100.00%</b>	<b>12,050,502,398</b>					<u><b>\$103,152,300.53</b></u>
Total at factor of 1		12,050,502,398	8.56				\$103,152,300.53

### EFFECT OF SHIFT AT 150% ON TAXPAYER WITH \$781,500 PROPERTY VALUE

CIP Classes		Tax at Single Rate		Rate	Classified	Change
483,359	8.56	4,138		12.84	6,206	<b>\$2,069</b>
Residential		Tax at Single Rate		Rate	Classified	Change
483,359	8.56	4,138		8.19	3,959	<b>-\$179</b>

VALUES	2019	2018	2017	2016	2015
TAX RATE	8.56	8.60	8.53	8.37	8.19
RESIDENTIAL	11,070,546,608.00	10,660,098,706.00	10,384,849,550.00	10,268,959,256.00	10,163,699,470.00
OPEN SPACE	3,416,600.00	3,331,200.00	3,251,100.00	3,232,100.00	3,425,200.00
COMMERCIAL	646,700,900.00	631,222,433.00	607,421,068.00	604,755,692.00	605,660,141.00
INDUSTRIAL	92,135,700.00	87,507,900.00	80,184,800.00	77,683,600.00	79,392,800.00
PERSONAL	237,702,590.00	236,231,350.00	244,381,580.00	239,818,381.00	193,320,043.00
TOTAL	12,050,502,398.00	11,618,391,589.00	11,320,088,098.00	11,194,449,029.00	11,045,497,654.00
	1.04%	1.03%	1.02%	1.02%	1.03%
GROWTH	783,727.00	953,225.00	932,538.00	1,007,407.00	815,909.00

**TOWN OF FALMOUTH  
PUBLIC HEARING NOTICE  
SHADE TREE REMOVAL**

Notice is hereby given of a Public Hearing to be held by the Falmouth Board of Selectmen in the Selectmen's Meeting Room, Town Hall on Monday, November 19, 2018 at 7:45 p.m. on the application of the Tree Warden, Department of Public Works, for the removal of one (1) Red Oak Tree and one (1) Linden tree located at 77 Scranton Avenue.

Removal is necessary because the roots have heaved the sidewalk, and the sidewalk in this area needs to comply with ADA requirements.

Falmouth Board of Selectmen

*Publication Date: Friday, November 9, 2018; Falmouth Enterprise*

*Account #: 2056*



# Town of Falmouth

## Department of Public Works

### Parks & Forestry Division

416 Gifford Street  
Falmouth, MA 02350

Telephone: (508) 457-2543  
Fax: (508) 548-1537

Jeremiah Pearson  
Parks Superintendent

## Parks Department opinion for removal of 1 Red Oak & 1 Linden tree located at 77 Scranton Ave.

I have met with the Highway Superintendent James Grady in regards to removal of two trees, the first an 18.5 DBH (diameter breast height) Red oak tree located at 77 Scranton Ave between the sidewalk and the parking lot for West marine. This primarily healthy oak tree's roots have heaved the sidewalk, making it a hindrance to wheelchair accessible vehicles. The Highway Department will be overlaying a large area of sidewalk in this area of Scranton Ave and need to meet ADA compliance.

The second tree is a 25 DBH little leaf linden on the opposite side to the entrance of West marine. This tree is primarily healthy but is causing the same situation with the roots heaving the sidewalk.

The Parks Department's recommendation is to allow for the removal of both trees, and comply with ADA requirements. The only request is both trees be replaced with a smaller ornamental species that's roots wont alter the sidewalk



**Red Oak**



**Linden**

**TOWN OF FALMOUTH**

**NATURE'S REMEDY OF MASSACHUSETTS, INC.**

**HOST COMMUNITY AGREEMENT**

THIS HOST COMMUNITY AGREEMENT ("Agreement") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2018 by and between **Nature's Remedy of Massachusetts, Inc.**, a Massachusetts medical marijuana corporation with a principal office address of 497 Hooksett Road, Suite 190, Manchester, NH 03104 ("the Company"), and the Town of Falmouth, a Massachusetts municipal corporation with a principal address of 59 Town Hall Square, Falmouth, MA 02540 ("the Town"), acting by and through its Board of Selectmen.

WHEREAS, the Company wishes to locate a Registered Marijuana Dispensary ("RMD") dispensing facility (but not a cultivation or processing facility) in the Town in accordance with regulations issued by the Commonwealth of Massachusetts Department of Public Health ("DPH");

WHEREAS, the Company intends to provide certain benefits to the Town in the event that it receives a license from the DPH to operate an RMD dispensing facility (the "DPH License") and receives all required local permits and approvals; and

WHEREAS chapter 94G, section 3(d) of the law, requires a marijuana establishment to have a community host agreement with the municipality within which it intends to operate, "setting forth," in the words of the statute,

the conditions to have a marijuana establishment located within the host community which shall include, but not be limited to, all stipulations which shall include, but not be limited to, all stipulations of responsibilities between the host community and the marijuana establishment. An agreement between a marijuana establishment and a host community; provided, however, that the community impact fee shall be reasonably related to the costs imposed upon the municipality by the operation of the marijuana establishment and shall not amount to more than 3 per cent of the gross sales of the marijuana establishment or be effective for longer than 5 years. Any cost to a city or town imposed by the operation of a marijuana establishment shall be documented and considered a public record as defined by clause Twenty-sixth of section 7 of chapter 4. [References to medical marijuana facilities omitted.]

NOW THEREFORE, in consideration of the provisions of this Agreement, the Company offers and the Town accepts this Agreement and the Company and the Town agree as follows:

1. The Company agrees to make community benefit payments to the Town, in the amounts and under the terms provided herein (the "Funds"). The Treasurer of the Town shall deposit the Funds into the general fund of the Town for further appropriation. Town Meeting is the appropriating authority of the Town. The Town, acting by and through its Board of Selectmen, agrees to recommend that the Funds be appropriated for the purpose of addressing the potential health, safety and other identified effects or impacts of the RMD dispensing facility on the Town and on municipal programs, services and facilities. Recommended appropriation shall recognize that the RMD may impact the following Town department services and resources:

- a. Police Department and law enforcement;
  - b. Fire Rescue Department;
  - c. Department of Human Services;
  - d. Department of Public Works
  - e. Water Division;
  - f. Wastewater Division;
  - g. Inspectional Services, permitting and planning;
  - h. School Department; and
  - i. Other unforeseen impacts upon the Town.
2. The Company shall pay to the Town the following sums:
- a. In the first year of operation:
    - i. 3.0 percent of gross sales revenue during the first year of operation, to be paid quarterly within 60 days after the end of each quarter. For payment purposes a quarter shall end on the last day of March, June, September and December to complete a full year cycle.
    - ii. The first year of operation shall commence on the first day of retail sales at the RMD and end 365 days later; there after the second year of operation shall commence immediately and that date shall be the anniversary to commence each subsequent year.
  - b. In the second, third, fourth and fifth years of operation: 3.0 percent of gross sales revenues to the paid quarterly within 60 days after the end of each quarter. For payment purposes a quarter shall end on the last day of March, June, September and December of each year. The payments described herein shall continue on the same term and conditions for subsequent years if permitted by law.
  - c. The Company agrees that the payments provided herein are reasonably related to costs imposed upon the Town by the operation of a RMD and will assist the Town in bearing such costs.
  - d. Each payment shall be accompanied by a certificate of a certified public accountant or by a statement under oath by the Company's Chief Financial Officer that the payment is true and accurate.
  - e. Massachusetts law currently limits a community benefit agreement to an effective term no longer than five (5) years. In the event this limitation is repealed or is not in effect at the end of the original five (5) year term hereof, the Company and the Town agree to extend this Community Benefit Agreement for such additional term as is permitted at that time.
3. In the event that the Company enters into a community benefit agreement or similar purpose agreement with another municipality in the Commonwealth of Massachusetts that contains financial terms that are superior to what the Company agrees to provide the Town pursuant to this Agreement, then the parties shall reopen this Agreement and negotiate an amendment resulting in financial benefits to the Town equivalent or superior to those provided to the other municipality.

4. Any renegotiation of this Agreement pursuant to sections 3 shall include a review of positive and negative impacts upon the Town, its residents, and businesses resulting from operation of the RMD, including, without limitation, community health, associated business growth, traffic, crime, use of Town resources, proximate property value impacts, and other documented impacts. The renegotiation may also consider the relative size of other communities. Falmouth currently has a year round population of 31,000± with a summer seasonal increase to 100,000 (estimated).
5. While the purpose of this Community benefit payment is to assist the Town in addressing any public health, safety and other effects or impacts the RMD dispensing facility may have on the Town, the Town Meeting may appropriate the above-referenced payments at its sole and absolute discretion.
6. The non-monetary provisions of this Agreement shall be applicable as long as the Company operates a RMD dispensing facility in the Town, pursuant to a license issued by DPH, subject to the provisions of section 11, below.
7. The Company, in addition to any funds specified herein, agrees to annually contribute to public charities in the Town an amount no less than 1 percent of gross revenues with said charities to be determined by the Company in its reasonable discretion. The Company shall file a report no later than March 31 of each year identifying all contributions so made.
8. The Company agrees to provide staff to participate in Town-sponsored educational programs on public health and drug abuse prevention, and to work cooperatively with Town public safety departments and school department.
9. The Company shall:
  - a. Maintain its premises in a neat and tidy condition and conduct its operations in a businesslike and professional manner, with due regard for the interests of this community.
  - b. If contacted by a representative of the Municipality, the Applicant shall respond immediately and substantively;
  - c. Maintain its marijuana establishment license in good standing with the CCC and comply with all applicable CCC regulations;
  - d. Comply with any and all conditions imposed by local zoning authorities;
  - e. Take strong precaution to prevent of sales of marijuana to persons under 21 years of age and other persons prohibited from purchasing marijuana.
  - f. Make reasonable efforts to first hire local vendors and workers, and otherwise to engage the establishment in the local economic mainstream.

10. The Company agrees that the value of the real property of the RMD dispensing facility shall be treated as taxable and the Company shall not object to or otherwise challenge the taxability of such real property, but reserves any rights it might have with respect to the valuation of same. The Company, to the extent that it maintains its classification as a non-profit organization pursuant to applicable Massachusetts law, shall be exempt from the payment of taxes on personal property to the same extent as similar organizations and facilities operating within the Town.

11. The obligations of the Company and the Town recited herein are specifically contingent upon the Company obtaining the DPH License for operation of a RMD dispensing facility in the Town, and the Company's receipt of any and all necessary local approvals to locate, occupy, and operate a RMD dispensing facility in the Town.

12. This Agreement does not affect, limit, or control the authority of Town boards, commissions, and departments to carry out their respective powers and duties to decide upon and to issue, or deny, applicable permits and other approvals under the statutes and regulations of the Commonwealth, the General and Zoning Bylaws of the Town, or applicable regulations of those boards, commissions, and departments, or to enforce said statutes, Bylaws, and regulations. The Town, by entering into this Agreement, is not thereby required or obligated to issue such permits and approvals as may be necessary for the RMD dispensing facility to operate in the Town, or to refrain from enforcement action against the Company and/or its RMD dispensing facility for violation of the terms of said permits and approvals or said statutes, Bylaws, and regulations.

13. This Agreement applies solely to the operations of the RMD dispensing facility in accordance with the DPH License. If during the term of this Agreement, it becomes permissible under Massachusetts law for the Company to sell or distribute marijuana at the RMD dispensing facility for purposes other than those initially authorized by the DPH License, the parties shall renegotiate the terms of this Agreement, including (but not limited to) increasing the amount of the payments to be made to the Town, in recognition that the additional purposes of the RMD dispensing facility may have greater impacts and effects on the Town with an understanding that any such renegotiate will need to comply with Massachusetts law. In no case shall the payments be reduced from the amounts specified in Paragraph 2 of this Agreement unless necessary to comply with rules enacted or amended by the Commonwealth of Massachusetts.

14. The Company shall not assign, sublet or otherwise transfer this Agreement, in whole or in part, without the prior written consent of the Town, and shall not assign any of the monies payable under this Agreement, except by and with the written consent of the Town.

15. This Agreement is binding upon the parties hereto, their successors, assigns and legal representatives. Neither the town nor the Company shall assign or transfer any interest in the Agreement without the written consent of the other.

16. The Company agrees to comply with all laws, rules, regulations and orders applicable to the RMD dispensing facility, such provisions being incorporated herein by reference, and shall be responsible for obtaining all necessary licenses, permits, and approvals required for the performance of such work. The Company agrees not to assert or seek exemption as an agricultural use under the provision of G.L. ch. 40A, §3 from the requirements of the Town's Zoning Bylaws.

17. Any and all notices, or other communications required or permitted under this Agreement, shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, to the parties at the addresses set forth on Page 1 or furnished from time to time in writing hereafter by one party to the other party. Any such notice or correspondence shall be deemed given when so delivered by hand, or if mailed, when deposited with the U.S Postal Service or, if sent by private overnight or other delivery service when deposited with such delivery service. Any notice to the Town shall be addressed and delivered to the Town Manager.

18. If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.

19. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts, and the Company submits to the jurisdiction of any of its appropriate courts in Barnstable County, Massachusetts for the adjudication of disputes arising out of this Agreement.

20. This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the Company and the Town with respect to the matters described herein. This Agreement superseded all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written documents executed by the parties hereto.

21. This Agreement shall also be null and void in the event that the Company shall not locate a RMD dispensing facility in the Town or shall relocate such RMD dispensing facility out of the Town. In the case of any relocation out of Town, an adjustment of funds due to the Town hereunder shall be calculated based upon the period of occupation of the RMD dispensing facility within the Town, but in no event shall the Town be responsible for the return of any funds already provided to it by the Company.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

TOWN OF FALMOUTH  
By its Board of Selectmen

NATURE'S REMEDY OF  
MASSACHUSETTS, INC.

\_\_\_\_\_  
Susan L. Moran, Chairman

\_\_\_\_\_  
By:  
[print name]

\_\_\_\_\_  
Megan English Braga, Vice Chairman

Its: Chief Executive Officer

\_\_\_\_\_  
Samuel H. Patterson

\_\_\_\_\_  
Douglas Brown

\_\_\_\_\_  
Doug Jones

Approved as to form:

\_\_\_\_\_  
Frank Duffy, Town Counsel

## Diane Davidson

---

**From:** Julian Suso <jsuso@falmouthmass.us>  
**Sent:** Friday, November 16, 2018 8:44 AM  
**To:** Diane Davidson  
**Cc:** Frank Duffy; 'Dunne Edward'  
**Subject:** FW: D. Miller - Nature's Remedy Update/Information

Diane,  
FYI. Please place this email from Mr. David Miller of Nature's Remedy in today's BOS packet as well. Thanks.  
Julian

---

**From:** David Miller <david@naturesremedy.life>  
**Sent:** Wednesday, August 1, 2018 5:08 PM  
**To:** Julian Suso <jsuso@falmouthmass.us>  
**Subject:** D. Miller - Nature's Remedy Update/Information

Hello Julian,

Pursuant to our discussion today, please see below an update and summary for Nature's Remedy of Massachusetts, Inc.:

Nature's Remedy(NR) intends to operate three Medical Dispensaries and 3 Recreational Dispensaries in Massachusetts (the most dispensary licenses allowed any company by law in MA).

### Dispensaries:

For the Medical business, NR has been approved in the Towns of Millbury, Grafton, Lakeville, and Acton, NR has been granted Letters of Non-Opposition from all town Select Boards. The company has been provisionally licensed (PCR) for Medical business by the Department of Public Health (DPH) in Millbury and Grafton. If approved in Falmouth this would be NR's preferred third Medical Dispensary location which we would site with the Department of Public Health (DPH) and expect to receive our Provisional Certificate of Registration (PCR).

To further update our Medical locations, we are currently building our Dispensary in Millbury (this location will be a co-located Medical and Recreational Dispensary), and are in the architectural review and design phase for our Medical Dispensary in Acton. We intend to begin building our Acton Dispensary in Q4 of 2018.

For the Recreational/Adult-use business, NR has been approved in Tyngsboro, Rowley, and Millbury. We have signed Host Community Agreements in each of those Towns. We are in the process of concurrently applying for our licenses from the Cannabis Control Commission (CCC) and obtaining the necessary Special Permits required in each Town. NR does have priority application status from the CCC which will put us at the top of the list for license review and approval. NR is currently working to obtain a Special Permit in Rowley and expects to begin building in Q4 of 2018.

### Cultivation:

NR's cultivation is located in Lakeville, MA where we have obtained approvals to cultivate for both our Medical and Recreational business. We are currently completing the security system there and obtaining DPH/CCC approvals and expect to begin growing in September 2018. Phase I of the buildout which is nearly complete will be approximately 10,000 square feet of growing space. Phase II construction has begun and will provide another 28,000 square feet of growing space. By mid-2018 NR expects to have 50,000 square feet of cultivation space to support its dispensaries. NR will also wholesale to other Recreational/Adult-use dispensaries (as allowed by MA law) and to that end we already have wholesale agreements in place with two other entities. These entities are also far along in the approval process.

**Next Steps in Falmouth:**

In order to proceed with our application with the DPH, NR needs to obtain a Letter of Non-Opposition or Support from the Falmouth Board of Selectmen. It has been proposed that we should first agree on Host Community Agreement terms which is in progress. We would then ask to be put on the Select Board agenda so we can present our company and Management Team and describe how we intend to be a valuable/positive member of the Falmouth Community. If we do obtain a Letter of Non-Opposition or Support NR will still need to apply for and work towards our Special Permit in Falmouth therefore the letter would only be one piece of the approval process. We look forward to the opportunity to present to the Board of Selectmen in the near future.

NR would also like to suggest that Falmouth officials reach out to any of the aforementioned communities to get direct opinions and experiences from others about working with us thus far. We are supremely confident those individuals will wholeheartedly support us as a responsible company that will be a positive part of any community we intend to do business in.

**Revenue Forecast:**

While there is little concrete information to use to provide forecasts for revenues in the Town of Falmouth, we can look at other operating dispensaries in MA and also factor in that Cape Cod has few approved dispensaries to this point. NR would expect revenues on the low end to be in the \$5 Million range with a more likely \$7 to \$10 Million annual figure. This would provide between \$150,000 and \$300,000 from the 3% per year of Gross Sales that we are agreeing to in the Host Community Agreement. There are also additional payments which are discussed in the latest HCA version which would augment these figures.

Julian, please let me know if you require any further information. Also, please know we are more than willing to provide statements showing NR has the capital necessary to build our business as described.

Regards,

David  
Mobile # 617 413 6811

November 19, 2018

Nature's Remedy of Massachusetts, Inc.  
c/o Robert Carr, Jr. President and CEO  
110 Turnpike Road, Suite 114  
Westborough, MA 01581

Re: *Letter of Support for Nature's Remedy of Massachusetts, Inc.*

Dear Mr. Carr:

The Board of Selectmen voted \_\_\_\_ at a duly posted public meeting on Monday, November 19, 2018, to provide this letter of support for the application of Nature's Remedy of Massachusetts, Inc. to operate a Registered Marijuana Dispensary ("RMD") in the Town of Falmouth at 31 Teaticket Highway.

The Board of Selectmen has verified with the appropriate local officials that the proposed RMD is located in a zoning district that allows such use by right and or is pursuant to local permitting and review by all the applicable local regulatory boards, committees and or commissions.

The parties have executed a Host Community Agreement between the Town of Falmouth and Nature's Remedy of Massachusetts, Inc.

Very truly yours,  
FALMOUTH BOARD OF SELECTMEN

Susan Moran, Chairman

November 19, 2018

Nature's Remedy of Massachusetts, Inc.  
c/o Robert Carr, Jr. President and CEO  
110 Turnpike Road, Suite 114  
Westborough, MA 01581

Re: *Letter of Non-Opposition for Nature's Remedy of Massachusetts, Inc.*

Dear Mr. Carr:

The Board of Selectmen voted \_\_\_\_ at a duly posted public meeting on Monday, November 19, 2018, to provide this letter of non-opposition to operate a Registered Marijuana Dispensary ("RMD") in the Town of Falmouth.

The Board of Selectmen has verified with the appropriate local officials that the proposed RMD is located in a zoning district that allows such use by right and or is pursuant to local permitting and review by all the applicable local regulatory boards, committees and or commissions.

The parties have executed a Community Host Agreement between the Town of Falmouth and Nature's Remedy of Massachusetts, Inc.

Very truly yours,  
FALMOUTH BOARD OF SELECTMEN

Susan Moran, Chairman

**Diane Davidson**

---

**From:** Frank Duffy <fduffy@falmouthmass.us>  
**Sent:** Friday, November 16, 2018 9:46 AM  
**To:** Julian Suso; Peter Johnson-Staub  
**Cc:** Diane Davidson; Kim Fish  
**Subject:** FW: Nature's Remedy of Massachusetts, Inc.  
**Attachments:** Ltr of Support 11-19-18.docx; Non-Opposition Letter 11-19-18.docx

Julian: Here are two draft letters for BOS consideration. One is a letter of support and one is a letter of non-opposition. The Cannabis Control Commission wants short unconditional letters and this is the suggested format.

The blank is to record the vote (unanimous, 4-1, etc.).

---

Frank K. Duffy, Town Counsel  
Town of Falmouth  
157 Locust Street  
Falmouth, MA 02540  
(508) 548-8800 fax (508) 540-0881

**CONFIDENTIALITY NOTICE:** This communication and any accompanying document(s) are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited. Moreover, any such inadvertent disclosure shall not compromise or waive the attorney-client privilege as to this communication or otherwise. If you are not the intended recipient and have received this communication in error, please contact the sender immediately and delete the original message. Thank you.

---

**From:** Kimberly Fish [mailto:Kfish@falmouthmass.us]  
**Sent:** Friday, November 16, 2018 9:35 AM  
**To:** Frank K. Duffy JR  
**Subject:** Nature's Remedy of Massachusetts, Inc.

---

Kimberly Fish, Town Paralegal  
Office of Falmouth Town Counsel  
157 Locust Street, Falmouth, MA 02540  
(508) 548-8800 ~ Fax (508) 540-0881  
[kfish@falmouthmass.us](mailto:kfish@falmouthmass.us)

**CONFIDENTIALITY NOTICE:** This communication and any accompanying document(s) are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited. Moreover, any such inadvertent disclosure shall not compromise or waive the attorney-client privilege as to this communication or otherwise. If you are not the intended recipient and have received this communication in error, please contact the sender immediately and delete the original message. Thank you.

## Town Committee Vacancies

The Falmouth Board of Selectmen has announced the following vacancies on Town committees:

Committee	Term Until
Affirmative Action (2 positions)	6/30/19, 6/30/21
Agricultural Commission (1 position)	6/30/19
Affordable Housing Committee (1 position)	6/30/21
Board of Survey (2 positions)	6/30/21
Cable Advisory Committee (2 positions)	6/30/20, 6/30/21
Cape and Vineyard Electric Coop (1 position)	6/30/19
Coastal Pond Management Committee (1 position)	6/30/19
Commission on Disabilities (1 position, person with disability)	6/30/19
Community Preservation Committee (1 position)	6/30/21
Council on Aging (1 position)	6/30/21
Cultural Council (3 positions)	6/30/20, 6/30/21
Finance Committee (2 positions)	Until Nov. 2018 Town Meeting
Historical Commission (1 alternate position)	6/30/21
Human Services Committee (2 positions)	6/30/20, 6/30/21
Sign Review Committee (3 full positions, 2 alternate positions)	6/30/19, 6/30/21 & 6/30/20
Zoning Board of Appeals (1 vacancy)	6/30/19

Applications are available on the Town website [www.falmouthmass.us](http://www.falmouthmass.us), or in the Office of the Board of Selectmen, 59 Town Hall Square, Falmouth.

Cape and Vineyard Electric Coop

1 vacancy

- 1 term until 6/30/19

1 applicant:

- Rosemary Carey



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION APPLICATION FORM

If you are interested in serving the Town of Falmouth in any capacity, please fill out this form and mail it to: The Board of Selectmen, Falmouth Town Hall, 59 Town Hall Square, Falmouth, MA 02540. Information received will be available to all Town Boards and Officials, although the filling out of this form does not assure appointment. If selected for an interview, you may wish to submit a resume or additional information. This form and a listing of all boards and committees can be found on the Falmouth website: www.falmouthmass.us.

Name: Rosemary Carey  
Address: 230 Old Main Rd Village: No. Fal ZIP: 02556

Mailing Address: \_\_\_\_\_ Village: \_\_\_\_\_ ZIP: \_\_\_\_\_

Telephone: [redacted] Email: [redacted]

How long have you been a Resident 2 yrs (date: 01/17) / Taxpayer 18 yrs (date: 2000)

Amount of time you are available to give: 4 hrs/mo

Town Committee, Board or Commission you are interested in serving on:

- 1. Cape + Vineyard Electric Cooperative, Inc.
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

Seeking: Permanent Position Alternate Position

Relevant affiliation & work & personal experiences I am an advocate for renewable energy with 350 Cape Cod. I also serve on the Town's Energy Committee. Solid interpersonal skills.

Town offices held in Falmouth or elsewhere and dates of years served: Energy Committee April 2018 to present (1-yr term)

Briefly describe the particular skills you feel you will add to the committee or board: I will bring the perspective of community members who are not affiliated with the energy industry but who feel passionate about the rapid transition off of fossil fuels to renewable energy.

Three (3) References:

Name	Title	Phone
1. Genie Stephens	Exec. Dir. Global Warming Express	[REDACTED]
2. Harriet Shugarman	Exec. Dir. Climate Mama	[REDACTED]
3. Lynne Cherry	Filmmaker Voices for the Planet	[REDACTED]

I hereby certify that I have been provided a summary of Massachusetts General Law 268A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

I have received a copy of the Board of Selectmen's Appointment Policy and read the material provided.

Oct. 20, 2018  
DATE

*Brennan Kelly*  
APPLICANT'S SIGNATURE

In the event the applicant cannot sign this statement, you should provide an explanation of the reason (s) why if you still wish consideration for appointment.

Commission on Disabilities

1 vacancy for a person with disability

- 1 term until 6/30/19

1 applicant:

- Judy McGrath



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION  
APPLICATION FORM

If you are interested in serving the Town of Falmouth in any capacity, please fill out this form and mail it to: The Board of Selectmen, Falmouth Town Hall, 59 Town Hall Square, Falmouth, MA 02540. Information received will be available to all Town Boards and Officials, although the filling out of this form does not assure appointment. If selected for an interview, you may wish to submit a resume or additional information. This form and a listing of all boards and committees can be found on the Falmouth website: www.falmouthmass.us.

Name: Judy McGrath  
Address: 23 Cedar St Village: E. Falmouth ZIP: 02536

Mailing Address: Same Village: \_\_\_\_\_ ZIP: \_\_\_\_\_

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 2005 (date: \_\_\_\_\_) / Taxpayer 1985 (date: \_\_\_\_\_)

Amount of time you are available to give: \_\_\_\_\_

Town Committee, Board or Commission you are interested in serving on:

- 1. Commission on Disabilities
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

Seeking: Permanent Position  Alternate Position

Have you attended any meetings of the committee for which you are applying? Volunteered at the Wellness Fair.

Relevant affiliation and work and personal experiences I have many years of experience working with both children and adults with disabilities

Town offices held in Falmouth or elsewhere and dates of years served: No

\_\_\_\_\_  
\_\_\_\_\_

Briefly describe the particular skills you feel you will add to the committee or board: As a person with a disability, I know first hand the need to educate the community on issues related to disabilities and accessibility. I am also a hard worker and committed to detail.

List three (3) references:

Name	Title	Phone
1. Susan Staples	Executive Director	YWCA of North East [redacted]
2. Carrie Stack	Say Yes Institute (founder)	[redacted]
3. Carol Mahoney		[redacted]

I hereby certify that I have been provided a summary of Massachusetts General Law 268A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

I have received a copy of the Board of Selectmen's Appointment Policy and read the material provided.

10-15-18  
DATE

*Justine A. McNeill*  
APPLICANT'S SIGNATURE

In the event the applicant cannot sign this statement, you should provide an explanation of the reason (s) why if you still wish consideration for appointment.

Council on Aging

1 vacancy

- 1 term until 6/30/21

1 applicant:

- Carol Kenney



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION  
APPLICATION FORM

If you are interested in serving the Town of Falmouth in any capacity, please fill out this form and mail it to: The Board of Selectmen, Falmouth Town Hall, 59 Town Hall Square, Falmouth, MA 02540. Information received will be available to all Town Boards and Officials, although the filling out of this form does not assure appointment. If selected for an interview, you may wish to submit a resume or additional information. This form and a listing of all boards and committees can be found on the Falmouth website: www.falmouthmass.us.

Name: CAROL A KENNEY

Address: 23 KATY HATCH RD Village: FALMOUTH ZIP: 02540

Mailing Address: same Village: \_\_\_\_\_ ZIP: \_\_\_\_\_

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident  (date: 1964) / Taxpayer  (date: 1964)

Amount of time you are available to give: AS REQUIRED

Town Committee, Board or Commission you are interested in serving on:

1. COUNCIL ON AGING
2. \_\_\_\_\_
3. \_\_\_\_\_

Seeking: Permanent Position  Alternate Position

Have you attended any meetings of the committee for which you are applying? I WAS PREVIOUSLY A MEMBER

Relevant affiliation and work and personal experiences \_\_\_\_\_

VOLUNTEER ATTORNEY AT SENIOR CENTER  
TEN YEARS PLUS

Town offices held in Falmouth or elsewhere and dates of years served: \_\_\_\_\_

TOWN MEETING MEMBER PRECINCT ONE  
28 YEARS

Briefly describe the particular skills you feel you will add to the committee or board: \_\_\_\_\_

MY EXPERIENCE PREVIOUSLY AS A BOARD  
MEMBER, MY LEGAL EDUCATION AND  
VOLUNTEER HISTORY

List three (3) references:

	Name	Title	Phone
1.	FRANK K. DUFFY	TOWN COUNSEL	[REDACTED]
2.	ROBERT BROWN	ATTORNEY	[REDACTED]
3.	SUSAN WARRATT	FALMOUTH HOSPITAL SOCIAL WORKER	[REDACTED]

I hereby certify that I have been provided a summary of Massachusetts General Law 268A, the Conflict of Interest of Law, I have read the material provided, and to the best of my understanding have no potential or actual conflict of interest.

I have received a copy of the Board of Selectmen's Appointment Policy and read the material provided.

10/10/18  
DATE

[Signature]  
APPLICANT'S SIGNATURE

In the event the applicant cannot sign this statement, you should provide an explanation of the reason (s) why if you still wish consideration for appointment.

# FALMOUTH AFFORDABLE HOUSING FUND

Established by Ch. 29 of the Acts of 2011  
Board of Selectmen, Trustees

---

59 Town Hall Square  
Falmouth, Massachusetts 02540  
(508) 495-7344

**November 19, 2018**

## **Recommended Motion**

**Board of Selectmen Business Agenda Item :**

I move that the Board of Selectmen, acting as Trustees of the Falmouth Affordable Housing Fund, hereby award \$650,000 from the Falmouth Affordable Housing Fund to Megansett Crossing LLC., to develop ten 100% affordable rental apartments located at 676, 688, and 702 North Falmouth Highway as described in an application submitted November 2, 2018, and subject to the terms and commitment letter to be issued by the Town Manager in consultation with Town Counsel.

# FALMOUTH AFFORDABLE HOUSING FUND

Established by Ch. 29 of the Acts of 2011  
Board of Selectmen, Trustees

---

59 Town Hall Square  
Falmouth, Massachusetts 02540  
(508) 495-7344

## MEMORANDUM

**TO:** Julian Suso  
Town Manager  
**Cc:** FAHF Working Group Members  
**FROM:** Carla L. Feroni, Housing Coordinator  
**DATE:** November 9, 2018  
  
**RE:** FAHF Request for BOS Approval

The FAHF Working Group recommends approval of an application submitted by Michael Galasso on behalf of Megansett LLC.

### Megansett Crossing Apartments

The FAHF Working Group recommends approval of funding in the amount of \$650,000 from the Falmouth Affordable Housing Fund to fund Megansett Crossing LLC. for the construction of 10 affordable two- and three-bedroom rental units as described in a revised FAHF application Megansett Crossing Apartments dated November 2, 2018. This initial application proposed 3 affordable units which is the minimum number of required affordable units for a 40b project but this updated application proposes calls for 10 affordable rental units.

The FAHF Working Group reviewed the application on November 9, 2018, from Megansett Crossing LLC., for \$650,000 for the project located at 676, 688, and 702 North Falmouth Highway. The site is a wooded 1.76 acre lot at the intersection of North Falmouth Highway (28A) and Old Main Road. The neighborhood is a mix of single- family homes and commercial and industrial uses. The North Falmouth Library is about ¾ miles from the site and the North Falmouth Elementary School is located approximately 2 miles from the site.

This is a fully approved 40B LIP project. The project will be townhouse style, five two- bedroom apartments and five three- bedroom apartments with attached one- car garages with a children's play area, community garden, and bus stop shelter. The rents will be affordable at 80% AMI for 5 units and 100% affordable for another 5 units. The 80% AMI affordable units will rent for \$1,552 for a two- bedroom unit and for \$1,723 for the 3 -bedroom units. The 100% AMI affordable units will rent for \$1,795 for the two-bedroom units and \$1,979 for the three-bedroom units. All units will meet visitability requirements and the three-bedroom units will have a master bedroom on the ground floor. All buildings are designed to meet Energy Star for Homes requirements. The project will add 10 units to the Town's subsidized housing inventory. The project construction is planned to commence in May 2019.

November 16, 2018

**To:** Susan Moran, Falmouth Board of Selectmen (BOS)

**Cc:** Tom Bott; Sari Budrow; Carla Feroni; Peter Johnson Staub; Julian Suso; Mike Galasso

**Re:** "Megansett Crossing" Workforce Housing

Dear Chairman Moran and Selectmen:

On November 15, 2018, developer Mike Galasso made a presentation to the Affordable Housing Committee (AHC) regarding the above-referenced proposed LIP development in North Falmouth. The AHC previously reviewed and supported this project in 2016, but changes have been made since that time at the request of the town. The AHC had an opportunity at our recent meeting to ask questions of Mr. Galasso, all of which were answered to our satisfaction. We are pleased to provide our strong endorsement for this revised Megansett Crossing development, and we hope it will receive BOS support.

The project will consist of 10 new apartments, two each in five duplex buildings. The developer has reduced the density of the project, changed it from home ownership to home rental units, and was able to make all ten of the apartments affordable! The Falmouth Affordable Housing Fund Working Group has recommended that \$650,000 of FAHF money be available for the project -- \$65,000 for each of the ten units -- which will allow three of them to be priced for renters who make 80% of Area Median Income, and the other seven apartments to be affordable to renters who make 100% of AMI. As you know, Falmouth is in great need of an increase in affordable housing, and this project will allow ALL ten units to fulfill the chief need specified in our current draft Housing Production Plan, i.e. affordable rental housing. We were impressed by the design of the homes, the mix of 2BR and 3BR units, the energy-efficient features of the apartments, and the many amenities that have been included. These new rental units will be a great addition to the workforce housing in Falmouth and will provide a model for other such future developments in town. Thank you in advance for your consideration of our AHC support for this project.

Respectfully submitted on behalf of the Affordable Housing Committee,

Edward Curley, Chair

**Motion:**

To proceed with design on the Main Street Corridor project from Palmer Avenue to Sandwich Road and investigate potential alternative options along Route 28 from Sandwich Road to Oxbow Road.

## Diane Davidson

---

**From:** Frank Duffy <fduffy@falmouthmass.us>  
**Sent:** Monday, November 05, 2018 3:05 PM  
**To:** 'Susan Moran, Falmouth Selectman'  
**Cc:** 'Julian Suso'; 'Peter Johnson Staub'; Patricia Harris  
**Subject:** RE: Route 28 Agenda for Mon

Su: In C3-6C, the Falmouth Home Rule Charter authorizes the Board of Selectmen “to appoint ad hoc committees and to multi-member bodies and define their duties, set the limits for the scope of their responsibilities and the terms of their existence.” The charter prescribes procedures for appointment in C7-1A including publicizing vacancies and interviews. As a governmental body a selectmen appointed committed must comply with the Open Meeting Law, post notices of meeting and prepare and approve minutes.

Members of such a body are municipal employees for purposes of the Conflict of Interest Law. The Board of Selectmen may designate members special municipal employees for purposes of the Conflict of Interest Law. The law is applied more strictly to regular municipal employees and less restrictively to special municipal employees.

Section 19 of the Conflict of Interest Law prohibits a municipal employee from participating in a particular matter in which they have a private financial interest. This prohibition applies to a person who abuts property within the jurisdiction of the governmental body as decisions of the governmental body may affect property values. Assuming the Board of Selectmen designate members of a governmental body as special municipal employees, the Board of Selectmen may grant permission to a member to participate in a particular matter which affects their own financial interest. Such a determination must be in writing with a copy of the determination filed with the Town Clerk. The determination must be made on an individual basis. There is no explicit authorization or precedent for a blanket determination applicable to multiple members (confirmed by State Ethics Commission).

While not specifically addressed in the Falmouth Home Rule Charter, a public official such as the Town Manager may appoint a group of individuals to advise the public official on a matter within the public official’s duties or responsibilities. Bodies appointed by a public official solely for the purpose of advising the official on a decision that individual could make alone are not public bodies subject to the Open Meeting Law. If a public official has sole responsibility to determine the scope or design of the Rt. 28 project this exemption would apply, but it would not apply if other persons also have this responsibility or share it.

A public official appointed group, committee or body must comply with the Conflict of Interest law. The reason is the law prohibits a municipal employee from participating in a particular matter in which they have a private financial interest as discussed above. A municipal employee includes any office, position, employment or membership in any municipal agency and it does not matter whether the person is paid or unpaid or full time or part time. Private citizens serving on special advisory committees to make recommendations on a specific issue are considered municipal employees.

That said, the State Ethics Commission has referred me to previous opinions where the commission used a multiple factors to determine whether an advisory committee is considered a public agency for purposes of the Conflict of Interest Law. The factors are: 1) the impetus for the creation of the committee (whether statute, bylaw, regulation or otherwise); 2) the degree of formality associated with the committee and its proceedings; 3) whether members perform a function or tasks usually performed by government employees, or whether they are expected to represent outside interests; and 4) the degree of formality of the committee work product, if any. Whether a committee qualifies as a true advisory committee outside of the Conflict of Interest Law is determined by weighing all these factors with no one factor determinative. Such a determination is outside the scope of this message. See EC –COI -93-22. The State Ethics Commission has never applied this test favorably to a municipal committee, only to state committees.

There is no restraint on any person expressing personal views on a particular matter at a meeting of the Board of Selectmen, even on matters in which the person has a personal financial interest.

Private advocacy groups may form independently of governmental authority and voice opinions on a particular matter without constraints of the Conflict of Interest Law. A village association, or other civic association, comes to mind.

The Wind Turbine Options Project is not an appropriate model for exploration of options for the Rt. 28 project. The WTOP was assembled by the Town Managers office and the Board of Selectmen under the initiative and direction of the Consensus Building Institute and conflict of interest issues were never raised or vetted.

---

Frank K. Duffy, Town Counsel  
Town of Falmouth  
157 Locust Street  
Falmouth, MA 02540  
(508) 548-8800 fax (508) 540-0881

**CONFIDENTIALITY NOTICE:** This communication and any accompanying document(s) are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited. Moreover, any such inadvertent disclosure shall not compromise or waive the attorney-client privilege as to this communication or otherwise. If you are not the intended recipient and have received this communication in error, please contact the sender immediately and delete the original message. Thank you.

---

**From:** Susan Moran, Falmouth Selectman [<mailto:smoran@falmouthmass.us>]  
**Sent:** Saturday, November 03, 2018 10:16 AM  
**To:** Frank Duffy  
**Cc:** Julian Suso; Peter Johnson Staub  
**Subject:** Route 28 Agenda for Mon

Dear Frank:

Please prepare a short comparative memo for me to be used in the Monday meeting on the choices of committee types the Selectmen may consider on a future agenda for this project.

For lack of a better description, the "Selectmen's Committee" v. "Town Manager's Committee" (similar to the wind turbine working group) one main difference being the first having conflict of interest concern that prevent abutters from being on the committee.

I want to announce the subject as a future agenda item.

Thanks, Su

Susan Moran, Chair  
Falmouth Selectman  
[smoran@falmouthmass.us](mailto:smoran@falmouthmass.us)

**TOWN OF FALMOUTH**  
**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**Open Session**  
**MONDAY, NOVEMBER 5, 2018**  
**FALMOUTH HIGH SCHOOL**  
**874 GIFFORD STREET**  
**AUDITORIUM**

Present: Susan Moran, Chairperson; Megan English Braga, Vice Chairperson; Doug Jones; Sam Patterson; Doug Brown.

Others Present: Julian Suso, Town Manager; Peter Johnson-Staub, Assistant Town Manager.

1. Chair Moran called the meeting to order at 7:13 pm.
2. Pledge of Allegiance
3. Recognition  
Ms. English Braga noted the community Halloween celebrations and thanked all who participated in making Halloween a safe experience.
4. Announcements  
Mr. Suso confirmed annual Veteran's Day observance 11/11/18 at 11:00 am on the library lawn with the procession from Town Green.  
  
Mr. Patterson reminded all that tomorrow is voting day.
5. Public Comment  
Jane Athery, Hatchville asked the Board of Selectmen to put on agenda after town meeting to have joint meeting with Planning Board to discuss transportation and what we need to do to ensure better enhanced transportation. The Transportation Management Committee needs to be re established.

**SUMMARY OF ACTIONS**

1. Administrative Orders
  - a. Vote to Approve \$1,575.00 to be Expended from Article 17 for the Purposes of Analyzing Nitrogen Content in Shellfish Harvested from Seapit River in 2018  
**Mr. Jones motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.**
  - b. Vote to Approve Town of Falmouth Final Fingerprint Policy  
Mr. Brown noted clerical concerns and sent them to Mr. Suso. According to Mr. Suso, the charges would be \$30 to State and \$30 for Town.  
  
**Mr. Brown motion approval with the changes. Second Mr. Patterson. Vote: Yes-5. No-0.**

**BUSINESS**

1. Interview, Vote and Appoint Committee Member
  - a. EDIC – Patti Haney  
Chair Moran stated that Ms. Haney submitted an application and interviewed with the EDIC with a favorable recommendation.  
  
Ms. Haney welcomes the opportunity.  
  
**Ms. English Braga motion to appoint Patti Haney to a term ending 6/30/21. Second Mr. Patterson. Vote: Yes-5. No-0.**
2. Presentation by Department of Public Works on Federal Stormwater Requirements

James McLaughlin, Town Engineer, reviewed the Clean Water Act and talked about the MS4 General Permit. Municipal Separate Storm Sewer System and effective of the most recent permit is 7/1/18. The new permit requirements were reviewed. The notice of intent was filed 9/26/18. Minimum control measures include public education and outreach, public involvement, illicit discharge detection and elimination, construction site stormwater runoff control, post construction management, and municipal good housekeeping. This program should be developed Town wide with implementation of guidelines that address these items.

Reviewed the runoff in the White's Landing area and the new path of running into the water. The CDS was described, can be a catch basin or drain, explained how it works. Cleaner water goes out and solids are caught in the bottom. Common in MA, approved by DEP, removes about 80% of solids. Maintenance is yearly cleaning, some will need more frequent cleaning. Sediment needs to be removed from the area around the basins, along with inside the equipment.

Chair Moran commented that these seem like an expensive federal mandate to put on the Town, this will be expensive but we want to keep the water pristine. This information will be put on the website frequently asked questions for residents and contractors.

Mr. McLaughlin is engaging a consultant to go forward this first year of the program. There has been much sharing of information, in addition to website and outreach. The Town is looking into the county to do the testing.

The cleaning is done with a vacuum system, the Town has one and will need to subcontract the cleaning out or purchase another machine in the future. There are many costs involved, there are law suits pending on both sides, but may not change this unfunded mandate.

Marc Finneran, Precinct 6, asked if the federal government put any % on how much road water runoff is in the nitrogen loading in the estuaries and bays. Mr. McLaughlin said he has heard different estimates about the impact of stormwater, it is generally around 20% in terms of its magnitude.

3. Presentation on Locustfield Affordable Housing Local Initiative Program Application, continued from October 29, 2018

The Board of Selectmen heard a presentation and public comments at their last meeting and decided to extend the conversation to another meeting to give the public more opportunity for input. The Board of Selectmen received copies of the comments.

Mr. Johnson-Staub noted the Board of Selectmen received 19 comments in support, some from the same surname, and 3 in opposition.

Mr. Brown was surprised at the amount of correspondence received in support. He has also received phone calls in support of it; need to increase housing opportunities for everyone.

Ms. English Braga noted it is privately owned, scaled back from what could go on this property as a 40B. The Board of Selectmen cannot prevent this development from taking place. This is private project and a matter of supporting the smaller scale being proposed or not going forward with support and it being a very different development.

Mr. Patterson noted in terms of LIP qualification, need to create housing for talent, health, teachers, fire, police, and other positions where people have modest incomes. In 2008 a waive of people bought second homes and this is an opportunity to get affordable housing.

**Mr. Brown motion to support the LIP application for this project. Second Mr. Patterson. Vote: Yes-5. No-0.**

Mr. Marston, Locustfield Road, asked why the meeting was posted with a Main Street location as opposed to the Falmouth High School. \$400,000-\$425,000 homes are planned, the comments were based on the general need for housing, some of those homes would be taken by second home owners. Ms. English Braga noted that part of the project is to be 3 separate affordable homes out of the 12. That is a deed restriction to keep it affordable level forever, in perpetuity. In the past properties were deed restricted for a defined term, ie: 30 years.

Mr. Johnson-Staub said that the procedures for deed restrictions have improved since development a decade ago because they expired more easily. The current model used survives foreclosure and provides more timelines, there is a scenario where a deed restriction could be lost. Town funds are not necessarily required, but in some circumstances they could be required. No absolute guarantee it's for lifetime. There are a lot of people that feel the entire development is positive for the whole town.

4. Minutes of Meetings:

Public Session

September 17, 2018

Mr. Patterson motion approval. Second Mr. Jones. Vote: Yes-5. No-0. Vote revoked because these minutes are still being completed.

September 24, 2018

**Mr. Jones motion approval. Second Mr. Patterson. Vote: Yes-5. No-0.**

October 15, 2018

**Mr. Patterson motion approval. Second Ms. English Braga. Vote: Yes-5. No-0.**

October 22, 2018-none.

October 29, 2018-none at this time

5. Selectman's Reports

Mr. Brown:

Had a conversation with the Chief about phasing out the second taxi inspection. He hopes there is some way of ensuring Ubers and Lifts are safe and regulated, he would like to take it up at a future Board of Selectmen meeting. Chair Moran noted that is State regulated.

Attended the League of Women Voters Candidate Forum.

Mr. Patterson:

Attended the Community Preservation Committee listening to applicants for play space and renovation of the Keeper's house.

Ms. English Braga:

Attended Precinct 8 and 9 meeting.

Chair Moran:

Moving the Town Meeting articles and answer questions, Mr. Suso will go through what will be handled by staff and Board of Selectmen members can email him if they have a matter they want to take hold of.

Mr. Jones:

Attended the Precinct 1 and 2 meeting.

6. Review of Town Manager's Report

Mr. Suso was not prepared to plan out the articles tonight, but will complete it via email.

Mr. Suso attended precinct 8 and 9 meeting.

Town Meeting begins 11/13/18.

Mr. Suso has received fiscal year 2019 budgets and narratives from the Town department heads, it will be to the Board of Selectmen no later than 1/1/2019. The budget requests exceed the revenues, there is much deliberation ahead.

Thanked the Falmouth High School for their assistance facilitating the use of tonight's venue.

7. Review and/or Discuss Correspondence Received

Marc Finneran, Precinct 6, noted that the location for the meeting was listed at the Board of Selectmen meeting room on the town website.

According to Mr. Johnson-Staub, the agenda posted for the Falmouth High School location was in the posted agenda. There is a calendar on the homepage that shows the meetings and locations, that is standardized in a different way. This matter will be reviewed.

**Mr. Jones motion to adjourn at 8:07 pm. Second Ms. English Braga. Vote: Yes-5. No-0.**

Respectfully Submitted,

Jennifer Chaves  
Recording Secretary

## REPORT

TO: Board of Selectmen

FROM: Julian M. Suso

DATE: November 16, 2018



- Selectmen will convene at 6:15PM in executive session for a status report from a MIIA representative on two pending legal matters. Frank Duffy and Ed Dunne will be joining us as well.
- Selectmen will consider a few housekeeping items including request for approving the latest grant request for the Coonamessett Greenway project and a request from EDIC to approve a letter to the Governor on the release of funding for Main Street business high speed internet.
- The Board will be convening your annual tax classification hearing. Director of Assessing Trisha Favulli will be joining us for this presentation, with Jennifer Petit as well.
- Tree Warden Jeremiah Pearson has asked for a shade tree hearing for potential tree removal on Scranton Avenue.
- As Selectmen have discussed and voted to authorize at a past meeting, we have completed the negotiations on a Host Community Agreement and are at the place where we are asking for final BOS approval of this Agreement as well as the (State-required) vote by Selectmen to either: (1) vote no opposition or (2) vote to support, the siting of the proposed Nature's Remedy Medical Marijuana facility at the long-designated location of 31 Teaticket Highway (the plaza directly across from Stop 'n Shop). Representatives of Nature's Remedy as well as Frank Duffy and Ed Dunne will be in attendance as well. As a reminder, projected annual revenue sharing with the Town, should this Host Community Agreement be approved by the Board, is estimated by Nature's Remedy to be between \$150,000 and \$300,000. Working with Jennifer Petit, we are conservatively estimating potential revenue in the \$100,000 - \$150,000 area per year until we have a demonstrated track record. Understanding that medical marijuana sales and office locations are legal under Massachusetts Statute, it is most appropriate for the Town to enter into such a Host Community Agreement in advance and secure such reasonable revenue to assist in offsetting public safety, public health and public education measures.

- The Board will be considering a recommendation to affirm an application for \$650,000 from the Falmouth Affordable Housing Fund for support of the 10-unit rental Megansett Crossing project.
- Following up on our multiple discussions and emails from the past few weeks, in order to continue to strategically advance the Main Street/Rt. 28 Reconstruction Project, Selectmen are asked to consider the motion to proceed with design... (the full motion is on the Board's agenda).
- Next up will be a (potentially) concluding discussion/vote on the Board's preferences for the creation of a Rt. 28 Citizen Committee. As you know, you have received multiple emails from Frank Duffy with certain cautions and guidance on how to proceed. Happy to assist with whatever direction the Board determines.
- Finally, Selectmen will take up the many, many 2018 Annual License Renewals which have been forthcoming into our offices over the past few weeks. All compliments to Diane and Phyllis for their diligent and steadfast work to bring this mass of important paperwork and administration to the finish line!
- My thanks to members of the Board for your assistance, participation and support during the recently-completed November Town Meeting, which ended successfully on Thursday evening! As you know, beginning with the multiple Precinct meetings a week earlier, this is a whirlwind time including much challenging activity.
- Your next regular business meeting will be Monday, December 3.
- Town Hall and Town administrative offices will be closed on Thursday, November 22 and Friday, November 23 for the Thanksgiving Holiday.
- Happy Thanksgiving to all!